
NEW YORK STATE
REGISTER

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 45 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on July 11, 2021
- the 45-day period expires on June 26, 2021
- the 30-day period expires on June 11, 2021

**ANDREW M. CUOMO
GOVERNOR**

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SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 45-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after expiration of the public comment period.

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

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Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-19-21-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete a position from and classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Mental Hygiene under the subheading “Office of Mental Health,” by decreasing the number of positions of Assistant Counsel from 8 to 7 and by increasing the number of positions of Executive Deputy Commissioner from 1 to 2.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was

previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-19-21-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Family Assistance under the subheading “Office of Children and Family Services,” by adding thereto the positions of Peer Specialist (Youth Services) (2).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Jurisdictional Classification

I.D. No. CVS-19-21-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete a position from and classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Audit and Control, by deleting therefrom the position of Chief Information Security Officer 2 (1) and by adding thereto the positions of Information Technology Specialist 2 (Information Security) (2), Information Technology Specialist 3 (Information Security) (2), Information Technology Specialist 4 (Information Security) (2), Manager Information Technology Services 1 (Information Security) (1) and Manager Information Technology Services 2 (Information Security) (1).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Marc Hannibal, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-21-00001-P, Issue of January 13, 2021.

**Department of Environmental
Conservation**

**NOTICE OF EMERGENCY
ADOPTION
AND REVISED RULE MAKING
NO HEARING(S) SCHEDULED**

Regulations Governing Recreational Fishing for Striped Bass

I.D. No. ENV-01-21-00003-ERP

Filing No. 437

Filing Date: 2021-04-21

Effective Date: 2021-04-21

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action Taken: Amendment of Parts 10, 19 and 40 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303, 11-1521, 13-0105, 13-0339 and 13-0347

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: This emergency and revised rule making is necessary for the preservation of the general welfare. The recreational fishery for striped bass opens on April 15 in the Marine and Coastal District south of the George Washington Bridge. These emergency measures are necessary to provide protection for the striped bass population, which the Atlantic States Marine Fisheries Commission (ASMFC) has determined is overfished. Moreover, New York must adopt these measures to maintain compliance with ASMFC's requirements for striped bass and avoid federal closure of New York State's striped bass fishery.

The Department of Environmental Conservation (DEC) is requiring: 1) the use of circle hooks when recreationally fishing for striped bass while using bait, and 2) the return of striped bass caught on any unapproved method of take to the water immediately without unnecessary injury, in accordance with Addendum VI to Amendment 6 of the FMP. The striped bass populations coastwide is overfished, and overfishing is occurring, based on the last benchmark stock assessment conducted in 2018. The use of circle hooks by anglers targeting striped bass with bait has been identified as a method to reduce the discard mortality of striped bass in recreational fisheries. Addendum VI to Amendment 6 of the FMP required all ASMFC member states to implement circle hook regulations by January 1, 2021. ASMFC Striped Bass Management Board held a special meeting on March 16, 2021 to address any circle hook exemptions, as well as the definition of bait. As a result of that meeting, ASMFC issued new guidance for implementation of the circle hook requirements. DEC is adopting emergency regulations that require anglers to use circle hooks when fishing for striped bass while using part or whole of any marine/aquatic organisms or terrestrial invertebrates as bait. Circle hooks will not be required when fishing with an artificial lure, whether or not they are tipped with bait as previously described. The regulations also require that striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury.

Subject: Regulations governing recreational fishing for striped bass.

Purpose: To require circle hooks when fishing recreationally for striped bass using bait.

Text of emergency/revised rule: Part 10 of 6 NYCRR is amended to read as follows:

A new paragraph 10.1(c)(9) is added to read as follows:

(9) A non-offset (inline) circle hook, as defined in 19.1(a)(4) of this Title, is required when fishing for striped bass when using any marine or aquatic organism or terrestrial invertebrate, live or dead, whole or parts thereof. This requirement shall not apply to artificial lures with any marine or aquatic organism or terrestrial invertebrate, live or dead, whole or parts thereof attached. Striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury.

Part 19 of 6 NYCRR is amended to read as follows:

A new paragraph 19.1(a)(4) is added to read as follows:

(4) 'Non-offset (inline) circle hook' means a fishing hook designed and manufactured so that the point and barb of the hook are not offset from the plane of the shank and bend, and the point is turned perpendicularly back towards the shank to form a circular or oval shape.

Part 40 of 6 NYCRR is amended to read as follows:

New paragraphs 40.1(a)(11) and (12) are added to read as follows:

(11) *'Non-offset (inline) circle hook' means a fishing hook designed and manufactured so that the point and barb of the hook are not offset from the plane of the shank and bend, and the point is turned perpendicularly back towards the shank to form a circular or oval shape.*

(12) *'Artificial lures' shall mean manmade flies, spinners, spoons, plugs, jigs and other lures, even though there may be some natural substances contained in such lures as, but not limited to, deer hair and feathers.*

A new subparagraph 40.1(g)(2)(i) is added to read as follows:

(i) *Recreational anglers are required to use a non-offset (inline) circle hook when fishing for striped bass when using any marine or aquatic organism or terrestrial invertebrate, live or dead, whole or parts thereof. This requirement shall not apply to any artificial lure with any marine or aquatic organism or terrestrial invertebrate, live or dead, whole or parts thereof attached. Striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury.*

This notice is intended to serve as both a notice of emergency adoption and a notice of revised rule making. The notice of proposed rule making was published in the *State Register* on January 6, 2021, I.D. No. ENV-01-21-00003-P. The emergency rule will expire July 19, 2021.

Emergency rule compared with proposed rule: Substantial revisions were made in sections 10.1(c)(9), 40.1(a)(11), (12) and (g)(2)(i).

Text of rule and any required statements and analyses may be obtained from: Carol Hoffman, Department of Environmental Conservation, Marine Resources, 205 N. Belle Mead Rd, Suite 1, East Setauket, NY 11733, (631) 444-0476, email: carol.hoffman@dec.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Revised Regulatory Impact Statement

1. Statutory authority:

Environmental Conservation Law (ECL) § 13-0105 directs that it shall be "the policy of the state that the primary principle in managing the state's marine fishery resource is to maintain the long-term health and abundance of marine fisheries resources and their habitats, and to ensure that [fisheries] are sustained in usable abundance and diversity for future generations." The legislature further directed that "the management of the state's transboundary and migratory species shall be consistent with [all] interjurisdictional management plans, interstate or state-federal."

ECL §§ 11-0303 and 13-0339 authorize the Department of Environmental Conservation (DEC) to adopt regulations governing Atlantic striped bass including: size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, and other management measures.

ECL §§ 11-1521 and 13-0347 establish additional provisions for striped bass management in the Hudson River and marine waters, respectively.

2. Legislative objectives:

It is the objective of the above-cited legislation that DEC manages marine fisheries to optimize resource use for fishermen in a manner that is consistent with federal marine fisheries conservation and management policies including all applicable interstate fishery management plans. The proposed rule would ensure that New York State maintains compliance and consistency with requirements of the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan (FMP) for Atlantic Striped Bass.

3. Needs and benefits:

The proposed new management measures are required by Addendum VI to Amendment 6 of ASMFC's FMP for Atlantic Striped Bass and are designed to reduce the recreational discard mortality of striped bass. The proposed rule would amend 6 NYCRR Parts 10, 19, and 40 to ensure that New York State maintains compliance with ASMFC's requirements for striped bass. Failure to maintain compliance with ASMFC's FMP for Atlantic Striped Bass may result in the federal closure of New York's striped bass fishery. FMPs are designed to promote the long-term sustainability of managed marine species, preserve states' marine resources, and protect the interests of both commercial harvesters and recreational anglers. Additionally, failure to adopt these regulations may result in further population declines in the critical striped bass stock.

4. Costs:

The proposed rule would not impose any costs to DEC or local municipalities. Tackle and sporting goods stores may incur costs associated with shifting demand for non-offset circle hooks. Recreational fishermen may need to purchase circle hooks if they do not already use them. An internet search conducted on September 28, 2020 indicated that the average retail price for a non-offset circle hook is 75 cents per hook, and the average wholesale price is 15 cents per hook.

5. Local government mandates:

The proposed rule does not impose any mandates on local governments.

6. Paperwork:

None.

7. Duplication:

The proposed amendment does not duplicate any state or federal requirement.

8. Alternatives:

"No action" alternative: Under this alternative, New York State would not amend 6 NYCRR Parts 10, 19, and 40. This alternative was rejected because of New York State's obligations to comply with ASMFC's FMP for Atlantic Striped bass. Failure to adopt the proposed regulations will result in further declines to a critical fishery stock and the potential federal closure of New York State's Atlantic striped bass fishery.

"Exemptions for specific bait and tackle types" alternative: The ASMFC Striped Bass Board held a special meeting on March 16, 2021 to address any circle hook exemptions, as well as the definition of bait. As a result of new guidance for implementation, DEC is modifying the express terms of the proposed rule to require anglers to use circle hooks when fishing for striped bass while using part or whole of any marine/aquatic organisms or terrestrial invertebrates as bait. Circle hooks will not be required when fishing with an artificial lure, whether or not they are tipped with bait as previously described.

9. Federal standards:

The amendments to 6 NYCRR Parts 10, 19, and 40 are in compliance with Addendum VI to Amendment 6 of ASMFC's FMP for Atlantic Striped Bass.

10. Compliance schedule:

DEC is adopting these regulations on an emergency basis. Compliance will be required immediately upon filing with the New York Department of State. The public will be notified of the changes to the regulations through publication in the *State Register*, through appropriate news releases, and through DEC's website.

Revised Regulatory Flexibility Analysis

1. Effect of rule:

The Atlantic State Marine Fisheries Commission (ASMFC) facilitates the cooperative management of marine and diadromous fish species among the fifteen Atlantic Coast member states. The principal mechanism for implementation of cooperative management of migratory fish is the ASMFC's Interstate Fishery Management Plans (FMPs) for individual species or groups of fish. The FMPs are designed to promote the long-term health of these species, preserve resources, and protect the interests of fishers. The proposed rule is necessary to remain in compliance with Addendum VI to Amendment 6 of the Atlantic Striped Bass FMP. Compliance is required to avoid the federal closure of New York State's striped bass fishery.

The proposed amendments to 6 NYCRR Parts 10, 19 and 40 would require recreational anglers to use circle hooks when they are fishing for striped bass using any marine or aquatic organism or terrestrial invertebrate, live or dead, whole or parts thereof. The proposed rule would affect both the marine and coastal district, and inland waters, including the Hudson and Delaware Rivers and their tributaries.

The proposed rule required by ASMFC and is intended to reduce mortality associated with recreational fisheries for Atlantic striped bass. This rule making may have an impact on recreational fisheries, including private recreational fishers and party and charter boat operators, but the rule is designed and intended to preserve the long-term viability of these fisheries and associated businesses.

In 2020, DEC issued 466 party and charter boat licenses in the marine and coastal district. There were 51 Marine bait licenses sold in 2020. In addition, approximately 200 Hudson River marine permit gear licenses are sold annually; most of these permits are used for taking river herring to be used for striped bass bait.

There were also 420,012 people enrolled in DEC's Recreational Marine Fishing Registry in 2018, the last year for which data is available. All fishers need to register if they are age 16 and older and are either: (1) fishing for a saltwater fish species in the marine and coastal district while not aboard a party or charter boat; or (2) fishing for a migratory fish of the sea (diadromous species) within the tidal waters of the Hudson River and its tributaries, or within the waters of the Delaware River. 2019 data from the National Marine Fisheries Service, the last year for which data is available, reported 4,002,584 recreational angler trips targeting striped bass in New York State.

The regulations do not apply directly to local governments and would not have any direct effects on local governments.

2. Compliance requirements:

The proposed regulations would not impose any new reporting or recordkeeping requirements on small businesses or local governments.

3. Professional services:

None.

4. Compliance costs:

The proposed rule would not impose any costs on local governments. Tackle and sporting goods stores may incur costs associated with shifting demand for non-offset circle hooks. Recreational fishermen may need to purchase circle hooks if they do not already use them. An internet search conducted on September 28, 2020 indicated that the average retail price for a non-offset circle hook is 75 cents per hook, and the average wholesale price is 15 cents per hook.

5. Economic and technological feasibility:

There is no additional technology required for small businesses, and this action would not apply to local governments. Non-offset circle hooks are readily available on the wholesale market to tackle and sporting goods stores.

6. Minimizing adverse impact:

The promulgation of this regulation is necessary for New York State to comply with the FMP for Atlantic striped bass. The regulations are intended to protect the striped bass resource and avoid the adverse impacts that would be associated with the federal closure of the fishery due to non-compliance with the FMP. Additionally, failure to implement these changes would result in continued population decline which could lead to a moratorium on the harvest of striped bass. A moratorium would have a severe adverse impact on the fishery, as well as its supporting industries which provide jobs and employment opportunities. Ultimately, the maintenance of long-term sustainable fisheries will have a positive effect on employment, as well as wholesale and retail outlets and other support industries. These regulations are being proposed to reduce fishing mortality of striped bass and allow for continued harvest consistent with the capacity of the resource to sustain such effort.

7. Small business and local government participation:

Addendum VI to Amendment 6 of ASMFC's FMP for Striped Bass was published on October 30, 2019. This provided the public with notice of the striped bass circle hook requirements that would be required to be in place for the 2021 fishing season. DEC held Marine Resources Advisory Council (MRAC) meetings on July 14, September 15, November 17, 2020, and March 23, 2021 to gain their input on the potential regulation changes. DEC also held a meeting with the Hudson River Estuary Management Advisory Committee on September 10, 2020. DEC notified anglers of proposed regulatory changes in the 2020 and 2021 DEC Freshwater Fishing Guides. On July 6, 2020 DEC alerted fishers of proposed regulatory changes in the DEC Saltwater Fishing and Boating Newsletter. Copies were distributed via e-mail. Cornell Cooperative Extension initiated a recreational striped bass outreach and education program, which includes the proposed regulatory changes. The 2019 season newsletter for the Hudson River Cooperative Angler Program was sent out to program participants and other interested Hudson River striped bass anglers in April 2020 and included a section defining and explaining non-offset circle hooks and the benefits in their use. DEC staff participated in a Hudson River Striped Bass seminar, which presented information about striped bass management in the river and on the coast. The presentation explained the definition of a non-offset circle hook as well as best handling practices when fishing for striped bass. DEC staff attended the World Fishing and Outdoor Expo in Suffern, NY in March 2020, where public education materials regarding striped bass and best handling practices were also distributed.

DEC will continue to provide notice to affected fishers through email communications, newspapers and other media outlets.

8. For rules that either establish or modify a violation or penalties associated with a violation:

Pursuant to SAPA 202-b(1-a)(b), no such cure period is included in this rule because of the potential adverse impact on the resource. Cure periods for the illegal taking of fish or wildlife are neither desirable nor recommended. Immediate compliance is required to ensure the general welfare of the public and the resource is protected.

9. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

DEC would conduct an initial review of the proposed rule within three years, as required by SAPA § 207.

Revised Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

There are no rural areas within, or directly adjacent to, the marine and coastal district. All or portions of eight Hudson River counties are considered rural areas of New York State: Albany, Columbia, Dutchess, Greene, Putnam, Orange, Rensselaer, and Ulster counties. All or portions of three Delaware River counties are also considered rural areas: Delaware, Orange, and Sullivan counties. The proposed regulations would affect individuals who participate in the Atlantic striped bass fishery and may also have an indirect effect on supporting industries.

2. Reporting, recordkeeping and other compliance requirements; and professional services:

There are no reporting or recordkeeping requirements associated with the proposed rule making. Furthermore, the rule making would not require the use of professional services for compliance.

3. Costs:

There would be no initial capital or annual costs for local governments to comply with the proposed regulations. Tackle and sporting goods stores may incur costs associated with shifting demand for non-offset circle hooks. Recreational fishermen may need to purchase circle hooks, if they do not already use them. An internet search conducted on September 28, 2020 indicated that the average retail price for a non-offset circle hook was 75 cents per hook, and the average wholesale price was 15 cents per hook.

4. Minimizing adverse impact:

The promulgation of this regulation is necessary for New York State to comply with the FMP for Atlantic striped bass. The regulations are intended to protect the striped bass resource and avoid the adverse impacts that would be associated with the federal closure of the fishery due to non-compliance with the FMP. Additionally, failure to implement these changes would result in continued population decline which could lead to a moratorium on the harvest of striped bass. A moratorium would have a severe adverse impact on the fishery, as well as its supporting industries. Ultimately, the maintenance of long-term sustainable fisheries will have a positive effect on employment, as well as wholesale and retail outlets and other support industries. These regulations are being proposed in order to reduce fishing mortality of striped bass and allow for continued harvest consistent with the capacity of the resource to sustain such effort.

Prior to the COVID outbreak, DEC staff attended the NY Boat Show in January 2020, and a local saltwater fishing expo in early March 2020. DEC distributed free packets of circle hooks, provided public education materials relating to best striped bass handling practices, and alerted fishermen of proposed regulatory changes. DEC also sent free packets of non-offset circle hooks to fishers enrolled in the marine cooperative angler program.

5. Rural area participation:

DEC held Marine Resources Advisory Council (MRAC) meetings on July 14, 2020, September 15, 2020, November 17, 2020, and March 23, 2021 to gain rural population input on the proposed rule. DEC also held a meeting with the Hudson River Estuary Management Advisory Committee on September 10, 2020. On September 12, 2019, DEC held a public meeting seeking comment on the proposed regulatory changes in New Paltz, NY. DEC notified anglers of proposed regulatory changes in the 2020 and 2021 DEC Freshwater Fishing Guides. On July 6, 2020 DEC alerted fishers of proposed regulatory changes in the DEC Saltwater Fishing and Boating Newsletter. Copies were distributed via e-mail. Cornell Cooperative Extension initiated a recreational striped bass outreach and education program, which included proposed regulatory changes. The 2019 season newsletter for the Hudson River Cooperative Angler Program was sent out to program participants and other interested Hudson River striped bass anglers in April 2020 and included a section defining and explaining circle hooks and the benefits of their use. DEC staff participated in a Hudson River Striped Bass seminar, which presented information about striped bass management in the river and on the coast. The presentation explained the definition of a non-offset circle hook as well as best handling practices when fishing for striped bass. DEC staff attended the World Fishing and Outdoor Expo in Suffern, NY in March 2020, where public education materials regarding striped bass and best handling practices were distributed.

DEC will continue to provide notice to affected fishers through email communications, newspapers and other media outlets, including those in rural counties and towns.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

DEC would conduct an initial review of the proposed rule within three years, as required by SAPA section 207.

Revised Job Impact Statement

The text of the revised rule contains changes in 6 NYCRR to the original proposed rule, which was published in the NY State Register on January 6, 2021 (I.D. Number: ENV-01-21-00003-P). The changes include amending paragraph 10.1(c)(9) and subparagraph 40.1(g)(2)(i) to provide clarification of when to require the use of circle hooks, and to exempt this requirement when using artificial lures. A technical change is also made in the wording of the requirement to return striped bass to the water immediately without unnecessary injury if the fish are caught with any unapproved method of take. These changes are made in response to motions adopted during a March 2021 ASMFC Atlantic Striped Bass Management Board meeting, in order to provide clarification for state implementation of Addendum VI to Amendment 6 striped bass FMP circle hook requirements.

Original Paragraph 40.1(a)(11), defining natural bait in marine waters, which was published in the Notice of Proposed Rule Making, has been removed.

Minor technical changes are made to paragraphs 19.1(a)(4) and 40.1(a)(11) (which is re-numbered from 40.1(a)(12)), in response to public comment, to clarify the definition of circle hook.

And a new Paragraph 40.1(a)(12) is added to define artificial lure in marine and coastal district waters.

The Job Impact Statement that was published with the Notice of Proposed Rule Making remains accurate and does not require revisions to address these changes.

Assessment of Public Comment

The Department of Environmental Conservation (DEC) received 844 letters and e-mails during the public comment period for the proposed rulemaking.

Comment: General support for the proposed rulemaking.

Comments were received from 776 stakeholders expressing complete support for the proposal. Seven hundred twenty-one (721) separate commenters submitted a form letter composed by the Riverkeeper Organization. The letter stated that the proposed regulation is a science-based decision to help restore striped bass populations, and that failure to adopt the regulation could result in the federal closure of New York's Hudson River and Marine District striped bass fisheries. DEC received an additional 55 letters and e-mails supporting the proposed rulemaking, including support from Hudson River Estuary Management Advisory Committee.

DEC Response: DEC acknowledges these statements of support.

Thirty-eight commenters (38) expressed general support for the proposal, but they requested one or more exemptions from the proposed rule. Some commenters stated more than one exemption, but they are addressed separately below for purposes of this assessment.

Comment: Twenty-four (24) commenters stated that the rule should exempt pork rinds and/or "tube and worm" gear from the definition of natural bait.

DEC Response: The ASMFC Striped Bass Board held a special meeting on March 16, 2021 to address any circle hook exemptions, as well as the definition of bait. As a result of new guidance for implementation, DEC is modifying the express terms of the proposed rule to require anglers to use circle hooks when fishing for striped bass while using part or whole of any marine/aquatic organisms or terrestrial invertebrates as bait. Circle hooks will not be required when fishing with an artificial lure, whether or not they are tipped with bait as previously described. Therefore, both pork rinds and tube and worm gear will be exempted from the circle hook requirement.

Comment: Three (3) commenters stated that DEC should exempt eel skins or plugs from the definition of natural bait.

DEC Response: The ASMFC Striped Bass Board held a special meeting on March 16, 2021 to address any circle hook exemptions, as well as the definition of bait. As a result of new guidance for implementation, DEC is modifying the express terms of the proposed rule to require anglers to use circle hooks when fishing for striped bass while using part or whole of any marine/aquatic organisms or terrestrial invertebrates as bait. Circle hooks will not be required when fishing with an artificial lure, whether or not they are tipped with bait as previously described. Since eel skin plugs are an artificial lure, circle hooks will not be required. However, an eel or eel skin threaded through a hook that is not attached to a plug or artificial lure will require the use of a circle hook.

Comment: Nine (9) commenters stated that DEC should exempt artificial flies or lures.

DEC Response: The ASMFC Striped Bass Board held a special meeting on March 16, 2021 to address any circle hook exemptions, as well as the definition of bait. As a result of new guidance for implementation, DEC is modifying the express terms of the proposed rule, and circle hooks will not be required when fishing with an artificial lure, whether or not they are tipped with bait.

Comment: Two (2) commenters stated that DEC should exempt those fishing from boats, and that the rule should only apply to shore-based fishing.

DEC Response: The purpose of the rule is to reduce recreational release mortality of striped bass to help restore the population. There is no indication that fishing from a boat results in any lower levels of release mortality than fishing from shore.

Comment: Two commenters stated that DEC should exempt those fishing via the methods of casting or trolling.

DEC Response: The ASMFC Striped Bass Board held a special meeting on March 16, 2021 to address any circle hook exemptions, as well as the definition of bait. As a result of new guidance for implementation, DEC is modifying the express terms of the proposed rule to require anglers to use circle hooks when fishing for striped bass while using part or whole of any marine/aquatic organisms or terrestrial invertebrates as bait. Circle hooks will not be required when fishing with an artificial lure, whether or not they are tipped with bait as previously described. Therefore, the revised rule does not require the use of circle hooks when casting or trolling with an artificial lure.

Comment: Three (3) commenters stated that DEC should allow one more year before the circle hook requirement goes into effect. Two com-

menters stated that they were given too little notice or that they should be allowed an additional year to use up their existing non-circle hook stocks; and one commenter representing the New York Fishing Tackle Trade Association stated that supply chains for hook manufacturers were severely curtailed due to the COVID 19 pandemic.

DEC Response: ASMFC adopted Addendum VI to Amendment 6 of the Striped Bass Fishery Management Plan in October 2019. The addendum stated that fishermen would be required to use circle hooks when recreationally fishing for striped bass by January 1, 2021. Most member states have already adopted regulations for this requirement. Failure to adopt the regulation in 2021 could result in the federal closure of New York's striped bass fishery.

Thirty commenters (30) were opposed to the proposal. Some commenters stated more than reason for their opposition, but they are addressed separately below for purposes of this assessment.

Comment: Four (4) commenters stated that circle hook fishing methods were not an exciting way to fish; that they would decrease fishing opportunities for children; or that the requirement would result in their catching fewer fish.

DEC Response: ASMFC adopted Addendum VI to Amendment 6 of the Striped Bass Fishery Management Plan in October 2019. The addendum stated that fishermen would be required to use circle hooks when recreationally fishing for striped bass by January 1, 2021. The requirement only applies to striped bass fishing and not to fishing for any other fish species. Failure to adopt the regulation could result in the federal closure of New York's striped bass fishery.

Comment: Five (5) commenters stated that this imposed an additional expense for recreational striped bass anglers, or that they already had vast stock piles of J-hooks that they would need to replace.

DEC Response: The proposed regulation only applies to striped bass fishing and not to fishing for any other fish species. Potential economic effects of the proposed regulation were addressed in the Job Impact Statement, Regulatory Impact Statement, Regulatory Flexibility Analysis, and Rural Area Flexibility Analysis published in the January 6, 2021 issue of the New York State Register. Failure to adopt the regulation could result in the federal closure of New York's striped bass fishery.

Comment: Two (2) commenters objected to the requirement that striped bass caught on non-circle hooks while fishing for a different fish species be returned to the water as soon as possible without unnecessary harm.

DEC Response: The ASMFC Striped Bass Board held a special meeting on March 16, 2021 to address any circle hook exemptions, as well as the definition of bait. The Board approved guidance that says striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury. DEC believes this provision is necessary for its Law Enforcement Division to enforce the circle hook regulations.

Comment: Eight (8) commenters stated that the rule was unnecessary. They suggested that DEC should instead: ban commercial fishing; educate the public; and/or ban fishing from "open boats".

DEC Response: This rule is necessary to protect the striped bass population from overfishing and to avoid the potential federal closure of New York's striped bass fishery. DEC will be conducting educational outreach in accordance with requirements of Addendum VI to Amendment 6 of the Striped Bass Fishery Management Plan. DEC allows both commercial and recreational harvest of striped bass in New York. DEC is required by statute (ECL § 13-0105) to "optimize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for commercial and recreational fisheries." The National Oceanographic and Atmospheric Administration estimated that commercial striped bass fishery in New York landed a dockside value of 2.2 million dollars in 2016, the latest year for which data are available.

Comment: One (1) commenter stated that the regulation should require the use of offset hooks.

DEC Response: Addendum VI to Amendment 6 of the Striped Bass Fishery Management Plan specifically defines circle hook as "a non-offset hook where the point is pointed perpendicularly back towards the shank".

Comment: Seven (7) commenters stated that the rule should not be mandatory; punishes recreational anglers; or fails to give New York "credit" for reducing fishing mortality from regulations enacted in 2020.

DEC Response: Addendum VI to Amendment 6 of the Striped Bass Fishery Management Plan states that 49% of all striped bass that were removed from the population due to fishing in 2018 were attributed to recreationally caught fish that subsequently died after being released alive. Addendum VI implemented the mandatory use of circle hooks when fishing with bait in striped bass recreational fisheries because recreational release mortality contributes significantly to overall fishing mortality. The circle hook requirement is in addition to the other required regulatory revisions enacted in 2020 that were designed to reduce the removals of striped bass by at least 18%.

Comment: Six (6) commenters stated circle hooks do not, in their expe-

rience, reduce fishing mortality as opposed to J-hooks; do not work as stated (i.e. sometimes cause the fish to be gut hooked as opposed to being hooked in the corner of the lip); are difficult to remove; or cause injuries to fishermen.

DEC Response: Numerous scientific studies indicate that circle hooks decrease discard mortality as opposed to J-hooks (Caruso 2000; Lukacovic and Upohoff 2007; Millard et al. 2005). DEC plans to develop educational materials instructing anglers on the proper use of circle hooks.

References:

1. Caruso, P.G. 2000. A comparison of catch and release mortality and wounding for striped bass (*Morone saxatilis*), captured with two baited hook types. Completion report for Job 12, Sportfisheries Research Project (F-57-R), Commonwealth of Massachusetts Division of Marine Fisheries. 16 pp.

2. Lukacovic, R.L. and J.H. Upohoff. 2007. Recreational catch-and-release mortality of striped bass caught with bait in Chesapeake Bay. Maryland Department of Natural Resources Fisheries Technical Report Series No. 50. Annapolis, MD. 21 pp.

3. Millard, M.J., J.W. Mohler, A. Kahnle, and A. Cosman. 2005. Mortality associated with catch-and-release angling of striped bass in the Hudson River. *North American Journal of Fisheries Management* 25: 1533-1541.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Set Monitoring, Operational and Reporting Requirements for the Oil and Natural Gas Sector

I.D. No. ENV-19-21-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of Part 203 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, 71-2105 and 75-0107

Subject: Set monitoring, operational and reporting requirements for the oil and natural gas sector.

Purpose: Reduce emissions of methane and volatile organic compounds from the oil and natural gas sector.

Public hearing(s) will be held at: 2:00 p.m. and 6:00 p.m., July 20, 2021 via electronic webinar.

Instructions on how to "join" the hearing webinar and provide an oral statement will be published on the Department's proposed regulations webpage for 6 NYCRR Part 203 by May 12, 2021. The proposed regulations webpage for 6 NYCRR Part 203 may be accessed at: <https://www.dec.ny.gov/regulations/proproregulations.html>

Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 203 public comment hearing.

The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than June 29, 2021. The written request must be addressed to ALJ Lara Q. Olivieri, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Olivieri at: ohms@dec.ny.gov

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/proproregulations.html> #public): This proposal applies to owners and operators of equipment and components that are associated with sources in the following oil and natural gas sectors:

- (1) Oil and natural gas production
 - (2) Oil, condensate and produced water separation and storage
 - (3) Natural gas storage
 - (4) Natural gas gathering and boosting
 - (5) Natural gas transmission and compressor stations
 - (6) Natural gas metering and regulating stations
- Measurements, abbreviations and acronyms are listed.

Definitions specific to this rule are listed.

For wells, gathering lines, transmission lines and compressor stations, storage vessels with a potential to emit greater than or equal to six (6) tons per year (tpy) of volatile organic compounds (VOC) must meet the following requirements:

(1) Storage vessels installed prior to January 1, 2023 must have a vapor control efficiency of ninety-five (95) percent.

(2) Storage vessels installed on or after January 1, 2023 must not vent to the atmosphere.

For wells, gathering lines, transmission lines and compressor stations, Natural Gas actuated Pneumatic Devices and Pumps have the following requirements:

(1) Beginning January 1, 2023, continuous bleed natural gas pneumatic devices shall not vent natural gas to the atmosphere with few exceptions which are outlined in the full regulation.

(2) Intermittent bleed natural gas actuated pneumatic devices: Beginning January 1, 2023, intermittent bleed natural gas actuated pneumatic devices shall comply with the leak detection and repair (LDAR) requirements.

(3) Natural gas actuated pneumatic pumps: Beginning January 1, 2023, natural gas actuated pneumatic pumps shall not vent natural gas to the atmosphere and shall comply with the LDAR requirements.

Centrifugal Compressors have the following requirements (compressors that operate fewer than 200 hours over a rolling twelve (12) month period):

(1) Beginning January 1, 2023, centrifugal compressors with wet seals shall control the wet seal vent gas with the use of a vapor collection system as described in Subpart 203-8 or replaced with a dry seal.

(2) Beginning January 1, 2023, components on driver engines and compressors that use a wet seal or a dry seal shall comply with the LDAR requirements specified in Subpart 203-7, and;

(3) The compressor wet seal shall be measured annually by direct measurement (high volume sampling, bagging, calibrated flow measuring instrument) while the compressor is running at normal operating temperature in order to determine the wet seal emission flow rate using defined methods.

(4) A compressor with a wet seal emission flow rate greater than three (3) standard cubic feet per minute (scfm), or a combined flow rate greater than the number of wet seals multiplied by three (3) scfm, shall be successfully repaired within thirty (30) days of the initial flow rate measurement.

(5) If parts are not available to make the repairs, the wet seal shall be replaced with a dry seal no later than eighteen (18) months after the exceeding measurement is made.

Reciprocating Compressors have the following requirements (compressors that operate fewer than 200 hours over a rolling twelve (12) month period):

(1) Beginning January 1, 2023, components on driver engines and compressors shall comply with the LDAR requirements specified in Subpart 203-7 with potential exceptions.

(2) The compressor rod packing or seal emission flow rate through the rod packing or seal vent stack shall be measured annually by direct measurement (high volume sampling, bagging, calibrated flow measuring instrument) while the compressor is running at normal operating temperature using defined methods.

(3) Beginning January 1, 2023, compressor vent stacks used to vent rod packing or seal emissions shall be controlled with the use of a vapor collection system as specified; or,

(4) A compressor with a rod packing or seal with a measured emission flow rate greater than two (2) scfm, or a combined rod packing or seal emission flow rate greater than the number of compression cylinders multiplied by two (2) scfm, shall be successfully repaired within 30 days from the date of the initial emission flow rate measurement.

(a) An extension to the thirty (30) day deadline may be granted by the Department if the owner or operator can demonstrate that the parts or equipment required to make necessary repairs have been ordered and the owner or operator notifies the Department as specified in Section 203-10.3 to report the delay and provides an estimated time by which the repairs will be completed.

(5) A reciprocating natural gas compressor with a rod packing or seal emission flow rate measured above the standard specified as a critical component, shall be successfully repaired by the end of the next scheduled process shutdown or within twelve (12) months from the date of the initial flow rate measurement, whichever is sooner.

Blowdown activity at compressor stations and transmission pipelines greater than ten thousand (10,000) feet cubed (ft³) have the following requirements:

(1) Planned blowdowns:

(i) Provide notification to the Department and appropriate local authorities forty-eight (48) hours in advance of a blowdown event, the notification shall include, but not be limited to, the following information:

(‘a’) Location
 (‘b’) Date
 (‘c’) Time and duration
 (‘d’) Contact person
 (‘e’) Reason for blowdown
 (‘f’) Estimated volume of release
 (ii) If any of the information reported prior to the blowdown changed during or after the blowdown, another notification to the Department and appropriate local authorities shall be made with the updates no later than forty-eight (48) hours after the end of the blowdown.

(2) Unplanned blowdowns

(i) Provide notification to the Department and appropriate local authorities within thirty (30) minutes of blowdown or as soon as it is safe to do so. The notification shall include, but not be limited to, the following information:

(‘a’) Location
 (‘b’) Date
 (‘c’) Time and duration
 (‘d’) Contact person
 (‘e’) Reason for blowdown
 (‘f’) Estimated volume of release

Pigging activity along natural gas pipelines are required to:

(1) Record and report pigging activities and estimated natural gas loss and report to the Department by March 31st of each year for the previous calendar year. The report shall include, but not be limited to:

(i) Date of each activity
 (ii) Estimated volume of release for each activity
 Natural Gas Storage Monitoring Requirements

(1) Applicability: The requirements of this section apply to natural gas underground storage facilities.

(2) Natural gas underground storage facility sources are subject to the LDAR requirements as specified in Subpart 203-7.

City Gate Metering and Regulating

(a) Applicability: The requirements of this section apply to all metering and regulating components at the City Gate.

(b) Metering and regulating components are subject to the LDAR requirements in Subpart 203-7.

Provisions for Feasibility and Safety

(a) A repair or replacement may not be delayed unless it results in the following:

(1) a vented blowdown,
 (2) a gathering and boosting station shutdown,
 (3) a well shutdown,
 (4) a well shut-in,
 (5) is deemed technically infeasible or unsafe by the New York State Department of Public Service or other federal or state regulatory agency.

(b) The repair or replacement delay may be extended until the earliest event listed below.

(1) the next compressor station shutdown,
 (2) the next gathering and boosting station shutdown,
 (3) well shutdown,
 (4) well shut-in,
 (5) the next unscheduled, planned or emergency vent blowdown, or
 (6) within one (1) year.

Reporting and Recordkeeping

(1) Baseline Report

(a) Applicability: All sources as described in Section 203-1.1.

(b) Owners or operators of components or processes subject to this Subpart must submit a report to the Department by March 31, 2023 or by March 31st the year following initiation of operation.

(c) The report shall be in a format approved by the Department and shall include, but not be limited to, information on the following:

(1) separators
 (2) storage vessels
 (3) compressors
 (4) gas drying systems
 (5) pneumatic devices
 (6) metering and regulating systems

(2) Recordkeeping

(a) Reciprocating Natural Gas Compressors

(1) Maintain, for at least five (5) years from the date of each leak concentration measurement, a record of each rod packing leak concentration measurement found above the minimum leak threshold as defined in Section 203-4.4.

(2) Maintain, for at least five (5) years from the date of each emissions flow rate measurement, a record of each rod packing emission flow rate measurement.

(3) Maintain, for at least five (5) years a record that documents the date(s) and hours of operation a compressor is operated in order to demonstrate compliance with the rod packing leak concentration or emission

flow rate measurement in the event that the compressor is not operating during a scheduled inspection.

(4) Maintain records that provide proof that parts or equipment required to make necessary repairs have been ordered.

(b) Centrifugal Natural Gas Compressors

(1) Maintain, for at least five (5) years from the date of each emissions flow rate measurement, a record of each wet seal emission flow rate measurement.

(2) Maintain, for at least five (5) years, a record that documents the date(s) and hours of operation a compressor is operated in order to demonstrate compliance with the wet seal emission flow rate measurement in the event that the compressor is not operating during a scheduled inspection.

(3) Maintain records that provide proof that parts or equipment required to make necessary repairs have been ordered.

(c) Natural Gas Actuated Pneumatic Devices

(1) Maintain, for at least five (5) years from the date of each emissions flow rate measurement, a record of the emission flow rate measurement

(d) Leak Detection and Repair

(1) Maintain, for at least five (5) years from each inspection, a record of each leak detection and repair inspection.

(2) Maintain, for at least five (5) years from the date of each inspection, component leak and repair documentation.

(3) Maintain records for at least five (5) years that provide proof that parts or equipment required to make necessary repairs have been ordered.

(4) Maintain gas service utility records for at least five (5) years that demonstrate that a system has been temporarily classified as critical to reliable public gas operation throughout the duration of the classification period.

(e) Vapor Collection System and Vapor Control Devices

(1) Maintain records for at least five (5) years that provide proof that parts or equipment required to make necessary repairs have been ordered and installed.

(3) Reporting submissions and retention

(a) Reports shall be delivered to both the:

(1) Bureau Director, Bureau of Air Quality Planning, Division of Air Resources, 625 Broadway, Albany NY 12233, and

(2) The Regional Air Pollution Control Engineer in the corresponding Department Region to the source.

(b) Source owners and operators must maintain reports for at least five (5) years and make them available to the Department upon request.

The Part 200 additions will incorporate by reference EPA Method 21, Volatile Organic Compound Leaks, found in Title 40 Code of Federal Regulations (CFR) Part 60, appendix A-7.

Severability: Each provision of this Part shall be deemed severable, and in the event that any provision of this Part is held to be invalid, the remainder of this Part shall continue in full force and effect.

Text of proposed rule and any required statements and analyses may be obtained from: Ona Papageorgiou, NYSDEC, Division of Air Resources, 625 Broadway, Albany, NY 12233-3251, (518) 402-8396, email: air.regs@dec.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: July 26, 2021.

Additional matter required by statute: Pursuant to Article 8 of the State Environmental Quality Review Act, a Short Environmental Assessment Form, a Negative Declaration and a Coastal Assessment Form have been prepared and are on file.

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propregulatons.html#public>):

Statutory Authority

The statutory authority for the promulgation of 6 NYCRR Part 203 and the attendant revision to 6 NYCRR Part 200 is found in the New York State Environmental Conservation Law (ECL), Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, 71-2105, and 75-0107.

Needs/Benefits

The primary need for this rulemaking is to protect the health and welfare of New York residents and resources by: 1) reducing methane (CH₄), a greenhouse gas, in support of the goals and requirements of the Climate Leadership and Community Protection Act (CLCPA),¹ 2) reducing associated volatile organic compounds (VOCs), an ozone precursor, and 3) fulfilling the requirements of the Environmental Protection Agency's (EPA) 2016 Control Techniques Guidelines (CTG) for the oil and gas industry.²

On July 18, 2019 Governor Cuomo signed into law the Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA). As added by the CLCPA, ECL Section 75-0107 requires a 40 percent reduction in Statewide GHG emissions from 1990 levels by 2030, and an 85 percent reduction from 1990 levels by 2050. ECL § 75-0107; 6

NYCRR Part 496. This proposal will support this overall requirement of the CLCPA by reducing statewide GHG emissions.

Ignoring the well-developed body of work on the benefits of reducing GHG and VOC emissions from this sector, on August 13, 2020, the EPA Administrator signed the finalized rollback amendments to the 2012 and 2016 rules affecting the oil and natural gas industry, titled, respectively, “Oil and Natural Gas Sector: New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants Reviews; Final Rule” (2012 Rule) and “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Final Rule” (2016 Rule). As a result of this lack of protection, DEC must develop regulations for both new and existing sources in this sector with the goal of lowering CH4 and VOC emissions within New York.

Methane is a GHG that is emitted from both human activities and natural processes.³ GHGs like CH4 trap heat in the atmosphere, which is a driving force of climate change. CH4 is also a precursor for tropospheric ozone (O3) which is harmful to human health and crop production.

Estimates show that methane emissions from the oil and gas supply chain are 63% higher than the EPA Greenhouse Gas Inventory (GHGI).⁴ These higher estimates make it crucial to address methane emissions from the oil and gas industry.

The New York-Northern New Jersey-Long Island, NY-NJ-CT metropolitan area (New York metropolitan area, or NYMA) is designated “nonattainment” with a “serious” classification for the 2008 ozone NAAQS and “nonattainment” with a “moderate” classification for the 2015 ozone NAAQS. New York submitted a State Implementation Plan (SIP) for the 2008 ozone NAAQS in 2020 and is required to submit an additional SIP for the 2015 ozone NAAQS by August 3, 2021. These SIPs must demonstrate how the NYMA plans to attain the 2008 NAAQS by July 20, 2021 and the 2015 NAAQS by August 3, 2024.

Despite DEC’s aggressive emission reduction efforts and calls for EPA to address interstate transport of ozone, the NYMA continues to struggle to attain the 2008 and 2015 NAAQS. More in-state emission reductions are needed to assist the area with attaining both ozone standards.

A variety of sources contribute to CH4 emissions along the natural gas supply chain. VOCs are also released from equipment along the supply chain and these direct emissions are precursors to the production of ozone which is a regulated criteria pollutant harmful to human health.

Proposal

The proposed requirements are expected to reduce CH4 and VOC emissions from the oil and natural gas sector in New York State. The requirements apply at natural gas and oil wells, natural gas gathering lines, natural gas transmission, natural gas storage and areas where natural gas metering and regulating occurs.

If a potential to emit (PTE) threshold of 6 tons per year is exceeded, storage vessels are required to install a vapor recovery system which is subject to leak detection and repair (LDAR). The wellhead, piping, heater separators and pneumatic devices will all be subject to LDAR requirements.

This proposal allows for optical gas imaging (OGI) or EPA Method 21 as pre-approved methods for leak detection. In addition, the proposal allows for alternative techniques for leak detection which may be submitted to the Department for approval. Alternatives must be at least as effective as OGI or Method 21 in identifying leaks. The Department is also proposing an option to reduce the frequency of LDAR if an approved alternative method which offers continuous monitoring is utilized. A study focused on leak detection found that, in 31% of the cases, emissions concentrations either stayed within the same range or increased after leak repairs.⁵ Therefore, the Department also proposes monitoring after leaks are repaired to ensure that leaks are successfully fixed.

Collected vapors may be sent to the sales gas system or the fuel gas system. If these options are not available, then the collected vapors must be routed to an existing or new vapor collection system that must achieve at least ninety-five percent vapor control efficiency. Vapor collection systems will also be subject to LDAR.

This proposal requires LDAR at well sites (semiannually), gathering and boosting sources (quarterly), transmission compressor stations (bimonthly), storage facilities (bimonthly), and the City Gate (quarterly).

The proposal requires each source to submit a list of the components that are located at its site.

The Department expects the following annual CH4 and VOC reductions if this proposal is adopted. Until sources are assessed, there is uncertainty about the number of sources which will be required to install controls.

Table 1: Summary of potential annual reductions

Metric tons (MT) CH4	MTCO2e (100 yr GWP)	MTCO2e (20 yr GWP)	Tons of VOC
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Storage Vessels	6,309-31,545	157,725-788,625	529,956-2,649,780	1,009-5,047
Reciprocating Compressors	708	17,700	59,472	113
Centrifugal Compressors	3,164-15,819	79,100-395,475	265,776-1,328,796	506-2,531
LDAR	4,462	111,550	374,808	714
Total Emissions Reductions	14,643-52,534	366,075-1,313,350	1,230,012-4,412,856	2,343-8,405
2017 NYS Oil/Gas CH4 Emissions	106,561	2,664,182	8,951,124	
% Emissions Reductions within Sector			13% - 49%	

Costs

Storage Vessels: The 2016 EPA CTG lists capital costs to install vapor recovery at \$171,538 and annual costs at \$28,230.

Compressors – Reciprocating: Based on typical operation, EPA estimates the cost to be \$2,153 per compressor per year⁶ which translates into \$165,781 per year for all 77 permitted reciprocating compressors in the state.⁷

Compressors – Wet Seal Centrifugal: The capital cost to retrofit a gas capture system is estimated in the Environmental Defense Fund’s (EDF) 2014 report at \$50,000 for a 95% reduction of natural gas loss. A survey of the 40 centrifugal compressors permitted in New York indicate that most already have a dry seal, so the Department does not expect high costs associated with this requirement.

LDAR at Wells: Annual costs for LDAR personnel or consultants and repairs are estimated at \$2,285, ICF estimated this cost to be \$2,006.⁸

LDAR at Compressors: EPA estimates a capital cost for semiannual LDAR at gathering and boosting stations of \$2,393 and annual costs at \$13,534.⁹ EDF estimates an annual cost of \$6,017 for quarterly LDAR, for gathering and boosting stations and transmission compressor stations.¹⁰ To account for the costs associated with performing bimonthly LDAR, quarterly LDAR costs are multiplied by 1.5 (50% increase), resulting in an annual cost estimate of \$9,025.5 (EDF) or \$20,301 (EPA).

It is estimated that this rulemaking and ongoing support will require 1.5 full time equivalent (FTE) or \$237,500¹¹ during the first year and 1.0 FTE annually thereafter.

This proposal may also impact other Departments such as the Department of Public Service (DPS). It is unknown exactly how many FTE’s will be required to support any requests for rate cases from the impacted sources, however it is expected that there will be additional workload.

Extrapolating from United States Energy Information Administration data indicates that over 5.5 billion dollars passed through the natural gas market in New York in 2019.¹²

Table 2: Summary of Potential Costs

	Quantity	Initial Cost Low	Initial Cost High	Annual Cost Low	Annual Cost High
Storage Vessels vapor recovery	10%-50%	34,787,906	173,939,532	5,725,044	28,625,220
Compressor - recip	All compressors			165,781	165,781
Compressor - centrifugal	10%-50%	200,000	1,000,000		
LDAR - wells	All wells	369,261	369,261	924,766	1,053,385
LDAR - compressors	All compressors			288,816	649,632
TOTAL		35,357,167	175,308,793	7,104,407	30,494,018

Estimated costs are summarized in Table 2 and demonstrate that a large portion, over eighty percent, of the costs fall into the potential for storage vessel vapor recovery. This is also the category where the Department is uncertain if any vessels will be required to install these controls. After storage vessels are assessed, it may result that very few, if any, will actually trigger the requirement to install vapor recovery which would eliminate over eighty percent of these costs.

Costs of Emissions

Using the estimated emissions reductions calculated (Table 1), Table 3 shows the cost of the missed opportunity to reduce these emissions. It is important to note that not all potential emission reductions have been

calculated as data does not exist on the amount of reductions. For example, this proposal requires LDAR at the Citygate which does not have an estimated reduction factor.

Table 3
Annual Cost of Methane

Total Potential Emissions Reductions (MTCH ₄)	14,643 - 52,534		
Social Cost if Reductions are not achieved (2020 dollars)	\$96,321,654-\$345,568,652	\$40,736,826-\$146,149,588	\$22,359,861-\$80,219,418
	1% Discount Rate (\$6,578/metric ton)	2% Discount Rate (\$2,782/metric ton)	3% Discount Rate (\$1,527/metric ton)

There are also costs associated with VOC emissions and the formation of ozone, including increased hospital visits, sick days and other associated costs.

Comparing Tables 2 and 3 demonstrates that the cost of reducing emissions from these sources is significantly less than the value achieved by the reductions.

Local Government Mandates

The proposed regulation does not impose a mandate on local governments. Local governments have no additional compliance obligations as compared to other subject entities.

Paperwork

In general, this proposal requires impacted sources to maintain records for five years and submit records within 60 days of certain events and annually for maintenance.

Federal Regulation

This proposal implements EPA’s CTG, but adds methane and other requirements in order to be fully protective.

Alternatives

Alternative #1 – No Action: If the Department chooses not to act, this will constitute a violation of the Clean Air Act.

Alternative #2 – Include Required Continuous Emission Monitoring at all sites; The Department did not choose this alternative because at this time the Department does not believe that CEM technology is as advanced as needed.

Alternative #3 – Remove LDAR requirements: The Department did not choose this alternative because research clearly demonstrates that significant reductions are achieved through LDAR.

Federal Standards

EPA has both a federal NSPS and a CTG that places requirements on this sector. This proposal satisfies the CTG requirement while addressing the State’s commitment to reduce GHG emissions under the CLCPA. The requirements of this proposal include those set by the EPA, and it also includes requirements to segments within the sector and additional requirements across the entire sector that EPA does not include in order to achieve the NAAQS and protect human health and welfare.

Compliance Schedule

The Department has proposed an initial compliance start date of January 1, 2023. The first report must be submitted by March 31, 2023.

¹ Chapter 106 of the Laws of 2019.
² 81 FR 74798 (October 27, 2016).
³ <https://www.epa.gov/ghgemissions>.
⁴ Alvarez et al., Assessment of methane emissions from the U.S. oil and gas supply chain, July 2018.
⁵ Carbon Limits, Statistical Analysis of Leak Detection and Repair in Europe, November 2017.
⁶ EPA 2016 CTG, Table 5-5.
⁷ EPA Gas Star program, “Reducing Methane Emissions From Compressor Rod Packing Systems.” https://www.epa.gov/sites/production/files/2016-06/documents/ll_rodpack.pdf
⁸ ICF, 2014, Table 3-4.
⁹ EPA CTG, 2016, Table 9-26.
¹⁰ ICF, 2014, Table 3-4.
¹¹ Assumptions: Grade 24 pay rate of \$97,448 per year and an overhead rate of 62.48 percent. Per: <https://www.osc.state.ny.us/agencies/guide/MyWebHelp/#VII/9/9.htm>
¹² EIA Natural Gas Summary, 2019. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SNY_a.htm

Regulatory Flexibility Analysis

The New York State Department of Environmental Conservation (DEC or Department) is proposing new 6 NYCRR Part 203, “Oil and Natural Gas Sector” and Part 200 and attendant revisions to 6 NYCRR Part 200, “General Provisions.” (collectively, Part 203). The primary need for this rulemaking is to protect the health and welfare of New York residents and resources by: 1) reducing methane (CH₄), a greenhouse gas, in support of the goals of the Climate Leadership and Community Protection Act (CLCPA), 2) reducing associated volatile organic compounds (VOCs), an ozone precursor, and 3) fulfilling the requirements of the United States Environmental Protection Agency’s (EPA) 2016 Control Techniques Guidelines (CTG) for the oil and gas industry.¹

EFFECT OF RULE

The types of small businesses that are impacted by this proposal are the operators and owners of wells and leak detection and repair (LDAR) companies. Well owners and operators will be subject to regulation that they have not been subject to in the past and will incur additional expenses due to the LDAR requirements. LDAR companies will likely see an increase in business due to the additional LDAR requirements in this proposal. In 2018 there were 3,411 active oil wells and 6,729 active gas wells in New York State. In 2018, 10.6 billion cubic feet (bcf) of natural gas and 224,717 barrels (bbl) of oil were extracted from New York’s wells.

The proposed regulation does not contain a mandate on local governments. Local governments have no additional compliance obligations.

COMPLIANCE REQUIREMENTS

Oil and gas well sites in New York are simpler configurations than those found in other regions of the United States because most of the natural gas extracted in New York is very dry. This dry gas does not have to be processed to the extent required in other regions before it can enter a natural gas transmission pipeline. Therefore, natural gas extraction in New York State does not require the level of storage vessels or tanks that are found in other natural gas extraction regions around the country. However, there may be storage vessels, or tanks, at well sites which may contain produced water, separation products or other fluids. These storage vessels may emit VOCs and CH₄. If a VOC potential to emit (PTE) threshold of 6 tpy is exceeded, storage vessels at well sites are required to install a vapor recovery system which is subject to LDAR requirements. A finished and producing natural gas well will also include flow lines and gathering lines and may include heater separators. Pneumatic devices may be used for maintaining process conditions. The wellhead, piping, heater separators and pneumatic devices will all be subject to the LDAR requirements in the proposal.

In general, this proposal requires impacted sources to maintain records for five years and submit records within 60 days of certain events.

Natural Gas actuated Pneumatic Devices must maintain, for at least five years from the date of each emissions flow rate measurement, a record of the emission flow rate measurement.

Leak Detection and Repair records must be maintained for at least five years:

- from each inspection, a record of each leak detection and repair inspection.
- the date of each inspection, component leak and repair documentation.
- that provide proof that parts or equipment required to make necessary repairs have been ordered and installed.
- gas service utility records that demonstrate that a system has been temporarily classified as critical to reliable public gas operation throughout the duration of the classification period.

Vapor Collection System and Vapor Control Devices must maintain records for at least five years that provide proof that parts or equipment required to make necessary repairs have been ordered and installed.

In addition to the regular paperwork described above, the proposal requires all impacted sources to submit a component inventory in the first year of adoption or, for future sources, the first year that a source begins activity. This inventory will only need to be submitted once unless equipment is changed or added.

PROFESSIONAL SERVICES

The Department expects that well owners and operators are likely to hire professional service providers to comply with the LDAR requirements of this proposal.

COMPLIANCE COSTS

Storage Vessels: The proposal requires controls for storage vessels which have a PTE greater than 6 tpy of VOCs. It is not expected that there are many, if any, storage vessels within New York that will be above the threshold, however, the Department included this requirement in the proposal to ensure that all storage vessels are reviewed and that those that exceed the threshold are controlled. The 2016 EPA CTG lists capital costs to install vapor recovery at \$171,538 and annual costs at \$28,230.

Leak Detection and Repair: This proposal requires LDAR at well sites (semiannually).

The capital cost for semiannual LDAR at well sites is estimated at \$801 for up to 22 wells to develop an LDAR plan. Annual costs for LDAR personnel or consultants and repairs are estimated at \$2,285 by EPA, ICF estimated this cost to be \$2,006.5 There are 3,411 producing oil wells and 6,729 producing natural gas wells in New York. Assuming groupings of 22 wells, the initial capital cost for LDAR is \$369,261 and the recurring annual cost is estimated at between \$924,766 and \$1,053,385.

ECONOMIC AND TECHNOLOGICAL FEASIBILITY

Current technology is available and feasible for owners and operators to use in order to comply with the proposed requirements of Part 203. The leak detection techniques within this proposal have been used in the industry for many years. In addition, new techniques are continuously under development which may offer a more affordable pathway to compliance in the future. The Department included an alternative technology approval process in the proposal to accommodate changes over time.

This proposal imposes an economic burden on well owners and operators with the additional expense of LDAR and, if needed, vapor recovery on storage vessels. The result of repairing leaks of natural gas is recovery of the primary sales product of each well, so it is expected that a portion of added economic burden may be offset by commodity recovery. The Department expects those costs not offset by recover to be relayed to consumers through increased natural gas costs.

MINIMIZING ADVERSE IMPACTS

The Department is required to implement a regulation to address leaks at oil and natural gas wells as a result of the EPA published CTG, which provided minimum requirements for oil and gas wells. This proposal satisfies the requirements for the CTG. The Department minimized adverse impacts by reaching out to well owners and operators over the course of three years in order to obtain information to better inform the development of the proposal. The greatest impact expected from the proposal is the additional cost of LDAR. To help counter this the Department included alternative technology pathways so that impacted sources may use less expensive alternative methods as they become available.

SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

The Department met with the Independent Oil and Gas Association of New York (IOGA-NY) three times and presented at the IOGA-NY annual meeting twice prior to the proposal of this regulation to allow rural and local government participation. In addition, a posted a stakeholder outline was posted on the DEC website to encourage stakeholder participation and comment.²

CURE PERIOD OR AMELIORATIVE ACTION

No additional cure period or other opportunity for ameliorative action is included in proposed Part 203. This proposal will not result in immediate violations or impositions of penalties for existing facilities. To help reduce immediate impacts on affected sources, Part 203 requires a compliance plan due within a year of promulgation followed by LDAR and operational requirements that begin on January 1, 2023. This will allow owners and operators of affected sources time to comply with proposed Part 203.

INITIAL REVIEW

The initial review of this rule shall occur no later than in the third calendar year after the year in which the rule is adopted.

¹ 81 FR 74798 (October 27, 2016).

² <https://www.dec.ny.gov/chemical/113887.html>

Rural Area Flexibility Analysis

The New York State Department of Environmental Conservation (DEC or Department) is proposing new 6 NYCRR Part 203, "Oil and Natural Gas Sector" and Part 200 and attendant revisions to 6 NYCRR Part 200, "General Provisions." (collectively, Part 203). The primary need for this rulemaking is to protect the health and welfare of New York residents and resources by: 1) reducing methane (CH₄), a greenhouse gas, in support of the goals of the Climate Leadership and Community Protection Act (CLCPA), 2) reducing associated volatile organic compounds (VOCs), an ozone precursor, and 3) fulfilling the requirements of the United States Environmental Protection Agency's (EPA) 2016 Control Techniques Guidelines (CTG) for the oil and gas industry.¹

TYPES AND ESTIMATED NUMBERS OF RURAL AREAS

Most of the sources impacted by this proposal are located in rural areas in Western New York and the Southern Tier. There are 32 permitted compressor stations with a total of 117 permitted compressors located throughout New York State primarily in rural areas. New York also has 27 underground natural gas storage sources located primarily around the Finger Lakes region. While this proposal establishes requirements for metering and regulating stations actual counts for these stations are not well-established and the Department believes them to be located throughout the state. It has been estimated that there may be somewhere between 3,000 and 4,000 metering and regulating stations in New York. In 2018 there were 3,411 active oil wells and 6,729 active gas wells that are primarily located in Western New York and the Southern Tier in rural areas.

REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES

Reporting and Recordkeeping:

In general, this proposal requires impacted sources to maintain records for five years and submit records to the Department within 60 days of certain events and annually for maintenance. These requirements apply to all applicable sources, whether they are located in rural areas or not.

More specifically, reciprocating natural gas and centrifugal compressors must maintain, for at least five years:

- from the date of each leak concentration measurement, a record of each rod packing leak concentration measurement found above the minimum leak threshold.
- from the date of each emissions flow rate measurement, a record of each rod packing emission flow rate measurement.
- a record that documents the date(s) and hours of operation a compressor is operated in order to demonstrate compliance with the rod packing leak concentration or emission flow rate measurement in the event that the compressor is not operating during a scheduled inspection (reciprocating compressors only).
- records that provide proof that parts or equipment required to make necessary repairs have been ordered and installed.

Natural Gas actuated Pneumatic Devices must maintain, for at least five years from the date of each emissions flow rate measurement, a record of the emission flow rate measurement.

Leak Detection and Repair records must be maintained for at least five years:

- from each inspection, a record of each leak detection and repair inspection.
- the date of each inspection, component leak and repair documentation.
- proof that parts or equipment required to make necessary repairs have been ordered and installed.
- gas service utility records that demonstrate that a system has been temporarily classified as critical to reliable public gas operation throughout the duration of the classification period.

Vapor Collection System and Vapor Control Devices must maintain records for at least five years that provide proof that parts or equipment required to make necessary repairs have been ordered and installed.

In addition to the regular paperwork described above, the proposal requires all impacted sources to submit a component inventory by March 31, 2023 or, for future sources, by March 31st immediately following the first year that a source begins activity. This inventory will only need to be submitted once unless equipment is changed or added.

Compliance Requirements:

Impacted sources are required to submit a component inventory to the Department. This is expected to be submitted by March 31, 2023. Beginning January 1, 2023, impacted sources are required to complete leak detection and repair (LDAR) on equipment either bi-annually or quarterly. Reciprocating compressors are required to change the rod packing on the equipment every 26,000 hours of operation. Centrifugal compressors with wet seals are required to either convert to dry seal or to capture vented natural gas for reuse or destruction. Storage vessels with a potential to emit greater than six tons per year of VOCs must capture those emissions with an efficiency of ninety-five percent. If a blowdown occurs and is greater than ten thousand cubic feet, then it must be reported ahead of the blowdown if planned and within thirty minutes, or as soon as safely feasible, for an unplanned blowdown.

Professional Services:

Professional services likely to be needed to meet the requirements of this proposal are primarily LDAR services and services associated with vapor control and recovery.

COSTS

While most of the sources are located in rural areas, the costs are spread throughout the state and do not apply only to rural sectors. The nature of this industry is that the production of natural gas and oil and transmission of natural gas are located in mostly rural areas, the end product is found throughout the state.

Storage Vessels: The proposal requires controls for storage vessels which have a potential to emit (PTE) greater than 6 tpy of VOCs. It is not expected that there are many, if any, storage vessels within New York that will be above the threshold, however, the Department included this requirement in the proposal to ensure that all storage vessels are reviewed and that those that exceed the threshold are controlled. The 2016 EPA CTG lists capital costs to install vapor recovery at \$171,538 and annual costs at \$28,230.

Compressors – Reciprocating: Gas Science to Achieve Results (STAR) data results show that rings (the compressor packing) cost between \$300 and \$600 per cylinder and \$1,000 to \$2,500 per compressor to install.² Assuming \$2,500 per compressor, the cost to change the rod packing for all 77 permitted reciprocating compressors is \$192,500 for each 26,000 hours of operation. Based on typical operation, EPA estimates the cost to be

\$2,153 per compressor per year³ which translates into \$165,781 per year for all 77 reciprocating compressors.

Compressors – Wet Seal Centrifugal: This proposal allows for two compliance mechanisms for high emitting wet seal centrifugal compressors; convert to dry seal or capture the gas. The 2014 Environmental Defense Fund (EDF) report estimated that converting a wet seal system to a dry seal system costs approximately \$300,000 and would likely not be the choice for most impacted sources even though the EPA Gas STAR program estimated that the cost of conversion would pay for itself within a year with natural gas savings.⁴ The other option, to capture the natural gas, is less costly and savings may be realized by generating additional gas sales if the natural gas is rerouted to the compressor inlet, or if the recovered gas is used for site fuel. The capital cost to retrofit a gas capture system is estimated in the EDF 2014 report at \$50,000 for a 95% reduction of natural gas loss. A survey of the 40 centrifugal compressors permitted in New York indicates that most already have a dry seal, so the Department does not expect high costs associated with this requirement.

Leak Detection and Repair: This proposal requires LDAR at well sites (semiannually), gathering and boosting sources (quarterly), transmission compressor stations (bimonthly), storage facilities (bimonthly), and the Citygate (quarterly).

The capital cost for semiannual LDAR at well sites is estimated at \$801 for up to 22 wells to develop an LDAR plan. Annual costs for LDAR personnel or consultants and repairs are estimated at \$2,285, ICF estimated this cost to be \$2,006.⁵ There are 3,411 producing oil wells and 6,729 producing natural gas wells in New York. Assuming groupings of 22 wells, the initial capital cost for LDAR is \$369,261 and the recurring annual cost is estimated at between \$924,766 and \$1,053,385.

EPA estimates a capital cost for semiannual LDAR at gathering and boosting stations of \$2,393 and annual costs at \$13,534.⁶ However, EDF estimates an annual cost of \$6,017 for quarterly LDAR, for gathering and boosting stations and transmission compressor stations.⁷ To account for the costs of performing bimonthly LDAR, quarterly LDAR costs are multiplied by 1.5 (50% increase), resulting in an annual cost estimate of \$9025.5 (EDF) or \$20,301 (EPA). There are 32 compressor stations permitted in New York with 117 compressors. Based on this information, the range of annual costs for LDAR at these compressor stations is between \$288,816 and \$649,632.

There is also a cost to the Department. Each subject source will need to submit component data. The Department must review and determine the sufficiency of all the reports that will be submitted by the source owner. The review of the initial reporting will require DEC staff time. It is estimated that this rulemaking and ongoing support will require 1.5 full time equivalent (FTE) or \$237,500⁸ during the first year and 1.0 FTE annually thereafter.

This proposal may also impact other Departments such as the Department of Public Service (DPS) and will likely result in additional workload for that Agency. It is unknown exactly how many FTE's will be required to support any requests for rate cases from the impacted sources or other additional workload that may result from this proposal.

MINIMIZING ADVERSE IMPACT

The smaller rural sources are primarily natural gas and oil wells. Larger compressor stations are accustomed to regulation by the Department. To minimize adverse impact the Department met with the Independent Oil and Gas Association of New York (IOGA-NY) to develop the best method to ask for information from that community. The proposal also provides alternative compliance methods, upon approval by the Department, for alternative LDAR techniques in anticipation of alternative, lower cost, techniques becoming available.

RURAL AREA PARTICIPATION

The Department met with IOGA-NY three times and presented at the IOGA-NY annual meeting twice prior to the proposal of this regulation to allow rural participation. In addition, the Department posted a stakeholder outline on the DEC website to encourage stakeholder participation and comment.⁹

INITIAL REVIEW

The initial review of this rule shall occur no later than in the third calendar year after the year in which the rule is adopted.

¹ 81 FR 74798 (October 27, 2016).

² EPA Gas Star program, "Reducing Methane Emissions From Compressor Rod Packing Systems" https://www.epa.gov/sites/production/files/2016-06/documents/ll_rodpack.pdf

³ EPA 2016 CTG, Table 5-5.

⁴ EPA Gas Star program, https://www.epa.gov/sites/production/files/2016-06/documents/ll_wetseals.pdf

⁵ ICF, 2014, Table 3-4.

⁶ EPA CTG, 2016, Table 9-26.

⁷ ICF, 2014, Table 3-4.

⁸ Assumptions: Grade 24 pay rate of \$97,448 per year and an overhead rate of 62.48 percent. Per: <https://www.osc.state.ny.us/agencies/guide/MyWebHelp/#VII/9/9.htm>

⁹ <https://www.dec.ny.gov/chemical/113887.html>

Job Impact Statement

The New York State Department of Environmental Conservation (DEC or Department) is proposing new 6 NYCRR Part 203, "Oil and Natural Gas Sector" and Part 200 and attendant revisions to 6 NYCRR Part 200, "General Provisions." (collectively, Part 203). The primary need for this rulemaking is to protect the health and welfare of New York residents and resources by: 1) reducing methane (CH₄), a greenhouse gas, in support of the goals of the Climate Leadership and Community Protection Act (CLCPA), 2) reducing associated volatile organic compounds (VOCs), an ozone precursor, and 3) fulfilling the requirements of the United States Environmental Protection Agency's (EPA) 2016 Control Techniques Guidelines (CTG) for the oil and gas industry.

NATURE OF IMPACT

The Department relied on a larger assessment conducted by the California Air Resources Board (CARB) to evaluate economic impacts of an oil and natural gas regulation. CARB used a computational general equilibrium model called the Regional Economic Models, Inc. (REMI). The REMI model generates year-by-year estimates of the total regional effects of a policy or set of policies. CARB used the REMI Policy Insight (REMI PI+) model for their analysis.

Based on that analysis, CARB determined that their regulation would have a very small impact on employment growth each year. Their results show the initial small increase in employment growth primarily due to the increased demand for capital and components for secondary industries and increases in other employment due to the induced and indirect effects of the regulation. After that initial small increase, employment is expected to go back to baseline and perhaps reduce.

The Department believes that in New York there will also be an initial slight increase in jobs due to the need for services like leak detection and repair (LDAR) and reporting requirements. After the initial increase, there will still be a need for LDAR staffing and it is expected that those jobs will remain, not decrease.

CATEGORIES AND NUMBERS AFFECTED

There are 32 permitted compressor stations with a total of 117 permitted compressors in New York State. New York also has 27 underground natural gas storage sources. While the proposal establishes requirements for metering and regulating stations actual counts for these stations is not well-established. It has been estimated that there may be somewhere between 3,000 and 4,000 metering and regulating stations in New York. In 2018 there were 3,411 active oil wells and 6,729 active gas wells. In 2018, 10.6 billion cubic feet (bcf) of natural gas and 224,717 barrels (bbl) of oil were extracted in New York.

New York State Department of Labor (NYSDOL) lists employment in New York State by standard occupational classification (SOC) codes. The SOC code for extraction in the oil and natural gas industry is 47-5000. According to NYSDOL data, there are 2,280 jobs with this SOC code in New York State.

REGIONS OF ADVERSE IMPACT

This is a statewide proposal and will apply throughout New York State. Most of the sources exist in western New York and the Southern Tier. These are primarily well sites and natural gas storage sites. Compressor stations are located throughout the state.

MINIMIZING ADVERSE IMPACT

This proposal impacts natural gas transmission to end users and the Department recognizes the importance of assuring that residents receive this fuel to heat homes in the winter. In addition, it is imperative that electricity generating sources receive this fuel to ensure that the grid continues to operate reliably. As a result, the Department has included feasibility and safety provisions in the proposal to ensure that fuel resources are available as needed for heat and electricity reliability. Specifically, the proposal includes a Subpart (203-9) which allows for delays of required repairs if that repair is not safe or feasible by the Public Service Commission or other state or federal agency responsible for safety, feasibility or reliability.

SELF EMPLOYMENT OPPORTUNITIES

The Department anticipates that the requirements of Part 203 will result in new LDAR jobs which may materialize as self-employment opportunities or added positions in already established businesses.

INITIAL REVIEW

The initial review of this rule shall occur no later than in the third calendar year after the year in which the rule is adopted.

Department of Financial Services

EMERGENCY RULE MAKING

Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure

I.D. No. DFS-19-21-00015-E

Filing No. 475

Filing Date: 2021-04-27

Effective Date: 2021-04-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 52 (Regulation 62) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3216, 3217, 3221 and 4303

Finding of necessity for emergency rule: Preservation of public health and general welfare.

Specific reasons underlying the finding of necessity: Governor Andrew M. Cuomo declared a state of emergency on March 7, 2020, which has been extended, to help New York more quickly and effectively contain the spread of the novel coronavirus (“COVID-19”). While the COVID-19 pandemic has had an immeasurable impact on all New Yorkers, the impact on essential workers, including health care workers, first responders and other frontline essential workers, has been especially difficult as they have been required to directly interact with the public while working during this public health emergency, exposing themselves and their families to incremental risks, to ensure that essential services continue to be available for all New Yorkers. For health care workers and first responders, in particular, witnessing the devastating effects of COVID-19 firsthand can take an emotional and psychological toll. This amendment prohibits authorized insurers and health maintenance organizations (collectively, “health care plans”) that provide comprehensive coverage for hospital, surgical, or medical care from imposing, and provides that no essential worker shall be required to pay, copayments, coinsurance, or annual deductibles (unless required by federal law for a high deductible health plan) for mental health services rendered by in-network providers on an outpatient basis for essential workers. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network mental health providers (“providers”) to ensure that the providers do not require an insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment.

Given the continued toll this crisis has had on essential workers, including health care workers, first responders and other frontline essential employees, it is essential that these workers have access to mental health services. The waiver of copayments, coinsurance, and annual deductibles for in-network mental health services rendered by in-network providers on an outpatient basis is necessary to ensure that these workers have no barriers to the care they need.

To ensure that essential workers have access to mental health services, it is imperative that this amendment be promulgated on an emergency basis for the preservation of public health and general welfare.

Subject: Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure.

Purpose: To waive copayments, coinsurance, and annual deductibles for essential workers for in-network outpatient mental health services.

Text of emergency rule: Section 52.16(r) is added as follows:

(r)(1) *No policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker shall be required to pay, copayments, coinsurance, or annual deductibles for an in-network outpatient mental health service, unless the policy or contract is a high deductible health plan as defined in Internal Revenue Code section 223(c)(2), in which case the service may be subject to such plan’s annual deductible if otherwise required by federal law.*

(2) *An insurer shall provide written notification, which may include e-mail, to its in-network outpatient mental health providers that they shall not collect any deductible, copayment, or coinsurance from an essential worker in accordance with this subdivision. Such notice shall include the definition of essential worker.*

(3) *Essential worker means:*

(i) *individuals who are or were, on or after March 7, 2020, employed as health care workers, first responders, or in any position within a nursing home, long-term care facility, or other congregate care setting, including:*

(a) *correction/parole/probation officers;*

(b) *direct care providers;*

(c) *firefighters;*

(d) *health care practitioners, professionals, aides, and support staff (e.g., physicians, nurses, and public health personnel);*

(e) *medical specialists;*

(f) *nutritionists and dietitians;*

(g) *occupational/physical/recreational/speech therapists;*

(h) *paramedics/emergency medical technicians;*

(i) *police officers;*

(j) *psychologists/psychiatrists; and*

(k) *residential care program managers; and*

(ii) *individuals who are or were, on or after March 7, 2020, employed as essential employees who directly interact or interacted with the public while working, including:*

(a) *animal care workers (e.g., veterinarians);*

(b) *automotive service and repair workers;*

(c) *bank tellers and other bank workers;*

(d) *building code enforcement officers;*

(e) *childcare workers;*

(f) *client-facing case managers and coordinators;*

(g) *counselors (e.g., mental health, addiction, youth, vocational, and crisis);*

(h) *delivery workers;*

(i) *dentists and dental hygienists;*

(j) *essential construction workers at occupied residences or buildings;*

(k) *faith-based leaders (e.g., chaplains and clergy members);*

(l) *field investigators/regulators for health and safety;*

(m) *food service workers;*

(n) *funeral home workers;*

(o) *hotel/motel workers;*

(p) *human services providers;*

(q) *laundry and dry-cleaning workers;*

(r) *mail and shipping workers;*

(s) *maintenance and janitorial/cleaning workers;*

(t) *optometrists, opticians, and supporting staff;*

(u) *retail workers at essential businesses (e.g., grocery stores, pharmacies, convenience stores, gas stations, and hardware stores);*

(v) *security guards and personnel;*

(w) *shelter workers and homeless support staff;*

(x) *social workers;*

(y) *teachers/professors/educators;*

(z) *transit workers (e.g., airports, railways, buses, and for-hire vehicles);*

(aa) *trash and recycling workers; and*

(bb) *utility workers.*

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires May 26, 2021.

Text of rule and any required statements and analyses may be obtained from: Tobias Len, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 486-7815, email: Tobias.Len@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: Financial Services Law Sections 202 and 302 and Insurance Law Sections 301, 3216, 3217, 3221, and 4303.

Financial Services Law Section 202 establishes the office of the Superintendent of Financial Services (“Superintendent”).

Financial Services Law Section 302 and Insurance Law Section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law, Financial Services Law, or any other law.

Insurance Law Section 3216 sets forth the standard provisions in individual accident and health insurance policies.

Insurance Law Section 3217 authorizes the Superintendent to issue regulations to establish minimum standards for the form, content and sale of health insurance policies and subscriber contracts of corporations organized under Insurance Law Articles 32 and 43 and Public Health Law Article 44.

Insurance Law Section 3221 sets forth the standard provisions in group and blanket accident and health insurance policies.

Insurance Law Section 4303 sets forth mandatory benefits in subscriber contracts issued by corporations organized under Insurance Law Article 43.

2. Legislative objectives: Insurance Law Sections 3216, 3217, 3221,

and 4303 establish the minimum standards for the form, content, and sale of health insurance, including standards of full and fair disclosure. This amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing Insurance Law provisions by prohibiting copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service otherwise covered under the policy for an essential worker.

3. Needs and benefits: While the COVID-19 pandemic has had an immeasurable impact on all New Yorkers, the impact on essential workers, including health care workers, first responders and other frontline essential workers, has been especially difficult as they have been required to directly interact with the public while working during this public health emergency, exposing themselves and their families to incremental risks, to ensure that essential services continue to be available for all New Yorkers. For health care workers and first responders, in particular, witnessing the devastating effects of COVID-19 firsthand can take an emotional and psychological toll. The emotional and psychological well-being of essential workers is extremely important in the continuing fight against COVID-19. It is critical that these workers receive the mental health services they need.

This amendment provides that no policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker shall be required to pay, copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service.

The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network health care providers ("providers") in order to ensure that the providers do not require an insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment.

The Department of Financial Services ("Department") expects every health care plan to reimburse a provider, including reimbursement for the insured's waived copayment, coinsurance, or annual deductible, with respect to any affected claims.

Given the continued toll that this crisis has had on essential workers, including health care workers, first responders and other frontline essential employees, it is essential that these workers have access to mental health services. The waiver of copayments, coinsurance, and annual deductibles for mental health services rendered by in-network providers on an outpatient basis is necessary to ensure that these workers have no barriers to the care they need.

4. Costs: A health care plan subject to this amendment will have to assume the cost of copayments, coinsurance or permissible annual deductibles that the amendment waives for essential workers that obtain in-network outpatient mental health services.

A health care plan also may incur costs associated with providing written notification of the amendment to its in-network providers, as required by the amendment. In addition, a health care plan may incur costs if it needs to file new policy and contract forms and rates with the Department to comply with the amendment. However, such costs should be minimal because health care plans submit policy or contract form and rate filings, and provide written notifications to providers, as a part of the normal course of business.

Providers may incur costs to comply with the amendment because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services. However, any such costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

This amendment may impose compliance costs on the Department because the Department will need to review amended policy and contract forms and rates. However, any additional costs incurred by the Department should be minimal, and the Department should be able to absorb the costs in its ordinary budget.

5. Local government mandates: The amendment does not impose any program, service, duty or responsibility on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: Health care plans are required to provide written notification to their in-network providers that the providers may not collect any deductible, copayment, or coinsurance for outpatient mental health services for essential workers. This notification may be provided electronically as part of existing communications that occur between health care plans and in-network providers. Health care plans may also need to file new policy and contract forms and rates with the Superintendent.

Providers should not incur additional paperwork to comply with this amendment.

7. Duplication: This amendment does not duplicate, overlap, or conflict with any existing state or federal rules or other legal requirements.

8. Alternatives: There are no significant alternatives to consider.

9. Federal standards: The amendment does not exceed any minimum standards of the federal government for the same or similar subject areas. If the policy or contract is a high deductible health plan as defined in Internal Revenue Code Section 223(c)(2), in-network outpatient mental health services may be subject to the annual deductible, if otherwise required by federal law.

10. Compliance schedule: The rule will take effect immediately upon filing of the Notice of Emergency Adoption with the Secretary of State.

Regulatory Flexibility Analysis

1. Effect of rule: The amendment affects health maintenance organizations and authorized insurers (collectively, "health care plans") and health care providers ("providers"). The amendment provides that no policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker, as defined by the amendment, shall be required to pay, copayments, coinsurance, or annual deductibles, unless required by federal law for a high deductible health plan, for an in-network outpatient mental health service. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network providers to ensure that the providers do not require an insured essential worker to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible for outpatient mental health services as prohibited by this amendment.

Industry asserts that certain health care plans subject to the amendment are small businesses. Providers also may be small businesses. As a result, certain health care plans and providers that are small businesses may be affected by this amendment.

This amendment does not affect local governments.

2. Compliance requirements: No local government will have to undertake any reporting, recordkeeping, or other affirmative acts to comply with this amendment because the amendment does not apply to any local government.

A health care plan that is a small business, if any, affected by this amendment may be subject to reporting, recordkeeping, or other compliance requirements as it will be required to provide written notification of the amendment to its in-network providers, and may need to file new policy and contract forms and rates with the Department of Financial Services ("Department") to comply with the amendment.

A provider that is a small business may be subject to reporting, recordkeeping, or other compliance requirements because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services.

3. Professional services: No local government will need professional services to comply with this amendment because the amendment does not apply to any local government. No health care plan or provider that is a small business affected by this amendment should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business, if any, will incur costs to comply with the amendment because it will have to assume the cost of copayments, coinsurance or permissible annual deductibles that the amendment waives for essential workers who obtain in-network outpatient mental health services.

A health care plan that is a small business, if any, also may incur costs associated with providing written notification of the amendment to its in-network providers, as required by the amendment. In addition, a health care plan may incur costs if it needs to file new policy and contract forms and rates with the Department to comply with the amendment. However, such costs should be minimal because health care plans submit policy or contract form and rate filings, and provide written notifications to providers, as a part of the normal course of business.

A provider that is a small business may incur costs to comply with the amendment because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services. However, any such costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

5. Economic and technological feasibility: This amendment does not apply to any local government; therefore, no local government should ex-

perience any economic or technological impact as a result of the amendment. A health care plan and a provider that is a small business should not incur any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: There will be no adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on a health care plan or provider that is a small business because the amendment affects all health care plans and providers uniformly. In addition, a provider that is a small business should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

7. Small business and local government participation: The Department of Financial Services ("Department") had notified trade associations representing health care plans that are small businesses that it intended to promulgate the amendment. Health care plans and providers that are small businesses also will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Authorized insurers and health maintenance organizations (collectively, "health care plans") and health care providers ("providers") affected by this amendment operate in every county in this state, including rural areas as defined by State Administrative Procedure Act Section 102(10).

2. Reporting, recordkeeping, and other compliance requirements: and professional services: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the health care plan will be required to provide written notification of the amendment to its in-network providers, and may need to file new policy and contract forms and rates with the Department of Financial Services ("Department") to comply with the amendment.

A provider, including a provider in a rural area, may be subject to reporting, recordkeeping, or other compliance requirements because no essential worker, as defined in the amendment, shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services.

A health care plan or provider, including a health care plan or provider in a rural area, should not need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: A health care plan, including a health care plan in a rural area, will have to assume the cost of copayments, coinsurance or permissible annual deductibles that the amendment waives for essential workers that obtain in-network outpatient mental health services.

A health care plan may also incur costs associated with providing written notification of the amendment to its in-network providers, as required by the amendment. In addition, a health care plan may incur costs if it needs to file new policy and contract forms and rates with the Department to comply with the amendment. However, such costs should be minimal because health care plans submit policy or contract form and rate filings, and provide written notifications to providers, as a part of the normal course of business.

Providers, including those in rural areas, may incur costs to comply with the amendment, because no essential worker shall be required to pay a copayment, coinsurance, or annual deductible, except as otherwise required by federal law with respect to a high deductible plan, for the provision of any in-network outpatient mental health services. However, any such costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan with respect to any affected claims.

4. Minimizing adverse impact: This amendment uniformly affects health care plans and providers that are located in both rural and non-rural areas of New York State. The amendment should not have an adverse impact on rural areas.

5. Rural area participation: The Department had notified trade associations representing health care plans that are in rural areas that it intended to promulgate the amendment. Health care plans and providers in rural areas will also have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The amendment provides that no policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no essential worker, as defined in the amendment, shall be required to pay, copayments, coinsurance, or annual deductibles, unless

required by federal law for a high deductible health plan, for an in-network outpatient mental health service. As a result, there should be no impact on jobs or employment opportunities.

Department of Health

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Meeting Space in Transitional Adult Homes

I.D. No. HLT-19-21-00002-EP

Filing No. 438

Filing Date: 2021-04-21

Effective Date: 2021-04-21

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Amendment of section 487.13 of Title 18 NYCRR.

Statutory authority: Social Services Law, section 461

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: This proposal is immediately necessary to ensure full compliance with existing Transitional Adult Home regulations, which seek to promote resident access to providers who help residents consider and pursue community transition. Under the existing regulatory requirements, all adult home operators must "provide space for residents to meet privately with staff of the facility, visitors or other service providers" (18 NYCRR 487.11[1][12]), and Transitional Adult Home operators must "cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities" (18 NYCRR 487.4[h]). In addition, 18 NYCRR 487.4(h) provides that "[t]he operator shall not attempt to influence or otherwise discourage individual residents from meeting" with those enumerated providers.

Despite these requirements, providers have reported to the Department that they have visited certain Transitional Adult Homes for the purpose of assisting residents considering or in the process of pursuing transition to the community and were unable to meet with residents in a space that allowed for private conversations. In several instances, providers have reported that residents have been discouraged from meeting with them due to the inability to meet in private. This proposal will establish criteria for a suitable private meeting space to help ensure that conversations are fully private, thereby allowing residents to adequately explore the services that would be available to them in the community without fear of being overheard or retaliated against by facility staff.

Full and immediate compliance with these regulatory requirements is necessary to ensure that care is provided in the most integrated settings, as required by *Olmstead v. L.C.*, 527 U.S. 581 (1999) and as emphasized in Governor Cuomo's Executive Order No. 84.

Subject: Meeting Space in Transitional Adult Homes.

Purpose: Establish criteria for suitable meeting space to ensure privacy in conversations and submit a compliance plan to the Department.

Text of emergency/proposed rule: Paragraph (5) of subdivision (b) of section 487.13 is amended to read as follows:

(5)(i) Housing contractors means housing providers that have contracted with the Office of Mental Health to provide residents with information regarding housing alternatives and community services, *assess residents to determine their housing and service needs and preferences*, and make community housing available to residents pursuant to such contracts.

(ii) *Peer bridger agencies mean agencies that have contracted with the Office of Mental Health to provide residents with access to peer bridgers. Peer bridgers are individuals employed by, or whose services have otherwise been retained by, peer bridger agencies, and who use their training and experience to provide mentoring and support to residents considering community transition.*

Subdivision (h) of section 487.13 is amended to read as follows:

(h) The operator shall cooperate with the community transition coordinator, housing contractors, [and] *peer bridger agencies, care manag-*

ers, health [home] homes, and managed long-term care [plan assessors] plans and shall provide, without charge, space for residents to meet privately with such individuals or entities. The operator shall not attempt to influence or otherwise discourage individual residents from meeting with such entities and individuals.

New subdivisions (i) and (j) are added to section 487.13 to read as follows:

(i) *Space provided for meetings with providers defined in this section shall be:*

- (1) *a minimum of 160 square feet;*
- (2) *above grade level;*
- (3) *adequately lighted and ventilated and meet the temperature requirements of subdivision (m) of section 487.11;*
- (4) *with a door that closes to ensure conversations held within the space are private and that outside disruptions are minimized;*
- (5) *space separate and distinct from an occupied or reserved resident room or space used primarily for storage; and*
- (6) *space that is not under surveillance by adult home staff.*

(j) *Upon request from the Department, operators shall be required to submit a plan to the Department, in the form and format prescribed by the Department, explaining how the operator will meet the space requirements set forth in subdivision (i) of this section. Operators shall have 30 calendar days to submit such plan from the date of the Department's request. The operator shall implement the plan upon approval by the Department.*

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire July 19, 2021.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

Statutory Authority:

Social Services Law (SSL) section 461(1) requires the Department of Health (Department) to promulgate regulations establishing general standards applicable to adult care facilities.

Legislative Objectives:

The legislative objective of SSL section 461 is to promote the health and well-being of adults residing in adult care facilities.

Needs and Benefits:

The proposed regulatory changes are necessary to bring Transitional Adult Homes into full compliance with current regulations at Title 18 of the New York Codes, Rules and Regulations (NYCRR), Part 487, which seek to promote resident access to service providers specializing in promoting community transition. A Transitional Adult Home is an adult home with a certified capacity of 80 or more beds in which 25 percent or more of the resident population are persons with serious mental illness (see 18 NYCRR 487.13[b][1]). Persons with serious mental illness are "individuals who meet criteria established by the commissioner of mental health, which shall be persons who have a designated diagnosis of mental illness" and "whose severity and duration of mental illness results in substantial functional disability" (18 NYCRR 487.2[c]).

Specifically, Transitional Adult Home operators are required under 18 NYCRR 487.13(h) to cooperate with providers seeking to meet with residents to discuss "community services," defined in 18 NYCRR 487.13(b)(3) as "services and supports provided in New York State that assist individuals with mental illness to live in the community." Transitional Adult Home operators must also "cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities. The operator shall not attempt to influence or otherwise discourage individual residents from meeting with such entities and individuals" (18 NYCRR 487.13[h]). Further, all adult homes—including Transitional Adult Homes—must "provide space for residents to meet privately with staff of the facility, visitors or other service providers" (18 NYCRR 487.11[1][12]).

Despite these existing regulations, service providers have reported to the Department that they have visited certain Transitional Adult Homes for the purpose of assisting residents considering community transition, or who are in the process of such transition, and were unable to meet with residents in a space that allowed for private conversations, pursuant to the requirements of 18 NYCRR 487.13(h). In several instances, providers have reported that residents have been discouraged from meeting with them due to the inability to meet privately.

To address these concerns from service providers and ensure that Transitional Adult Homes are meeting regulatory requirements, this proposal will establish criteria for suitable meeting space that will permit private conversations, allowing residents to explore or pursue community transition without fear of being overheard or retaliated against by facility staff. For clarity for all stakeholders, this proposal will also update the definitions set forth in 18 NYCRR 484.13(b), which identify the service providers who may meet with residents to discuss community services. Specifically, the proposal will update the existing definition of "housing contractors" to provide that such agencies also assess residents for housing and other services that residents would need in the community. In addition, the proposal will add a definition of Peer Bridger agencies, which are contracted by the Office of Mental Health to establish mentoring relationships with residents and help answer questions they may have about community transition.

By strengthening compliance with existing regulations that seek to promote resident access to community transition service providers, this proposal will protect resident health, safety, and well-being. This proposal is thus consistent with the legislative objectives of SSL section 461(2) and with the State's overall efforts to ensure that care is provided in the most integrated settings, as required by *Olmstead v. L.C.*, 527 U.S. 581 (1999), and as emphasized in Governor Cuomo's Executive Order No. 84.

Costs:

Costs to Private Regulated Parties:

Transitional Adult Homes are already required by existing regulations to make space available so that residents may meet privately with providers. The proposed regulation seeks only to delineate criteria that will ensure that Transitional Adult Homes are meeting the current regulatory requirements to provide private space for service provider meetings regarding community transition and to not discourage individual residents from attending such meetings. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the proposed regulation by requesting to decertify a room that would otherwise be occupied by residents and foregoing the revenue for that room. However, the regulation does not expressly direct such action, and it is incumbent upon an operator to comply with all existing regulations, including the current requirement to make space available for residents to meet privately with providers. This proposal merely clarifies what constitutes adequate space for private meetings and thus does not directly impose new costs upon Transitional Adult Homes.

Costs to Local Government:

This proposal will not impact local governments unless they operate Transitional Adult Homes, in which case the impact would be the same as outlined above for private parties.

Costs to the Department of Health:

The Department will utilize existing resources to request, review and approve plans delineating how Transitional Adult Homes will comply with the proposed regulations and to monitor compliance with the approved plan.

Costs to Other State Agencies:

The proposed regulatory changes will not result in any additional costs to other state agencies.

Local Government Mandates:

Local governments that operate Transitional Adult Homes must comply with this regulation. No new local government program, project or activity is required by the proposed regulations.

Paperwork:

The proposed regulatory changes require that upon the request of the Department, Transitional Adult Home operators will have 30 days to submit a plan to the Department explaining how the operator will meet the space requirements.

Duplication:

These regulatory amendments do not duplicate existing State or federal requirements.

Alternatives:

The Department found no viable alternatives to incentivize full compliance with existing regulations absent a regulatory amendment defining what constitutes adequate space for service provider meetings regarding community transition. Doing nothing is also not a viable option, given the ongoing violations of 18 NYCRR 487.4(h) and concerns that residents' rights to explore community transition were being infringed.

Federal Standards:

The proposed regulations do not duplicate or conflict with any federal regulations.

Compliance Schedule:

The regulations will be effective upon publication of the Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

Effect of Rule:

The proposed regulatory changes will affect Transitional Adult Homes

that constitute small businesses or are operated by local governments. At present, according to data available at healthdata.ny.gov, there are 37 Transitional Adult Homes.

Compliance Requirements:

This proposal will build upon the existing requirements of 18 NYCRR 487.11(l)(12), which provides that all adult home operators must “provide space for residents to meet privately with staff of the facility, visitors or other service providers,” and 18 NYCRR 487.4(h), which provides that Transitional Adult Home operators “shall cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities.” This proposal will establish criteria for suitable meeting space that will permit such private conversations to occur, and it will require Transitional Adult Home operators to submit a plan to the Department, upon the request and subject to the approval of the Department, to explain how such requirements will be met.

Professional Services:

Small businesses will need no additional professional services to comply with the proposed regulatory changes.

Costs to Private Regulated Parties:

Transitional Adult Homes are already required by existing regulations to make space available so that residents may meet privately with providers. The specific criteria outlined in the proposed regulation define what was already required under the existing regulations – that the space be adequate to permit privacy in conversations about community transition and not be conducive to efforts to discourage individual residents from meeting with those providers. This proposal merely clarifies what constitutes sufficient space for private meetings and thus does not impose new costs upon Transitional Adult Homes. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the proposed regulation by requesting to decertify a room that would otherwise be occupied by residents and foregoing the receipt of revenue for that room. However, the regulation does not direct such action, and it is incumbent upon an operator to comply with all existing regulations, including the requirement to make space available for residents to meet privately with providers.

Costs to Local Government:

This proposal will not impact local governments unless they operate Transitional Adult Homes, in which case the impact would be the same as outlined above for private parties.

Economic and Technological Feasibility:

This proposal will not impose any economic or technological compliance burdens. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the proposed regulation by decertifying a room that would otherwise be occupied by residents and foregoing the revenue for that room. However, as noted above, operators were already responsible for making space available for residents to meet privately with providers under existing regulations; therefore, any associated costs are not new, and are not directly imposed by this regulation.

Minimizing Adverse Impact:

The Department will work with Transitional Adult Homes to ensure that they are aware of the requirements, including issuing administrative guidance.

Small Business and Local Government Participation:

Small business and local governments were not consulted during the creation of this proposed rule; however, small businesses and local governments will be able to submit public comments during the public comment period of the proposed regulation. Additionally, the Department plans to send a Dear Administrator Letter directed to all Transitional Adult Homes, including any operated by a local government or that qualify as a small business, informing them of the promulgation of these regulations and the opportunity to submit a public comment for a 60-day period.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010 (<http://quickfacts.census.gov>). At present, two Transitional Adult Homes are located in one of these counties.

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County

Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2010. At present, six Transitional Adult Homes are located in one of these counties.

Albany County	Monroe County	Orange County
Broome County	Niagara County	Saratoga County
Dutchess County	Oneida County	Suffolk County
Erie County	Onondaga County	

Reporting, Recordkeeping, Other Compliance Requirements; and Professional Services:

This proposal will build upon the existing requirements of 18 NYCRR 487.11(l)(12), which provides that all adult home operators must “provide space for residents to meet privately with staff of the facility, visitors or other service providers,” and 18 NYCRR 487.4(h), which provides that Transitional Adult Home operators “shall cooperate with the community transition coordinator, housing contractors, and health home and managed long-term care plan assessors and shall provide, without charge, space for residents to meet privately with such individuals or entities.” This proposal will establish criteria for suitable meeting space that will permit such private conversations to occur, and it will require Transitional Adult Home operators to submit a plan to the Department, upon the request and subject to the approval of the Department, to explain how such requirements will be met.

Costs:

Transitional Adult Homes are already required by existing regulations to make space available so that residents may meet privately with providers. The specific criteria outlined in the proposed regulation define what was already required under the existing regulations – that the space be adequate to permit privacy in conversations about community transition and not be conducive to efforts to discourage individual residents from meeting with those providers. It is possible that a Transitional Adult Home may decide to create a dedicated meeting space that fits the criteria outlined in the proposed regulation by requesting to decertify a room that would otherwise be occupied by residents and foregoing the receipt of revenue for that room. However, it is incumbent upon an operator to comply with all existing regulations, and Transitional Adult Home operators are already responsible under existing regulations for making space available for residents to meet privately with providers. This proposal merely clarifies what constitutes sufficient space for private meetings and thus does not impose new costs upon Transitional Adult Homes.

Minimizing Adverse Impact:

The Department will work with Transitional Adult Homes to ensure that they are aware of the requirements, including issuing administrative guidance, as necessary.

Rural Area Participation:

The Transitional Adult Homes located in rural areas will be able to submit public comments during the public comment period for the proposed rule.

Job Impact Statement

A Job Impact Statement for the proposed regulatory amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

NOTICE OF ADOPTION

Name Change for the Physically Handicapped Children’s Program (PHCP)

I.D. No. HLT-06-21-00006-A
Filing No. 461
Filing Date: 2021-04-23
Effective Date: 2021-05-12

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Parts 11, 46 and 85 of Title 10 NYCRR.
Statutory authority: Public Health Law, sections 225(4), 2803(2) and 2583(1)

Subject: Name Change for the Physically Handicapped Children’s Program (PHCP).

Purpose: To change the name of the PHCP to Children and Youth with Special Health Care Needs Support Services Programs.

Text or summary was published in the February 10, 2021 issue of the Register, I.D. No. HLT-06-21-00006-C.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsna@health.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2026, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

Office of Parks, Recreation and Historic Preservation

NOTICE OF ADOPTION

Fees and Charges for the Use of State Parks, Parkways, Historic Sites and Recreational Facilities

I.D. No. PKR-04-21-00005-A
Filing No. 462
Filing Date: 2021-04-26
Effective Date: 2021-05-12

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Repeal of Parts 381 and 383; renumbering of Part 382 to Part 381 of Title 9 NYCRR.

Statutory authority: Parks, Recreation and Historic Preservation Law, section 3.09(8); State Administrative Procedure Act, section 102(2)(b)(xi)(2), (3), (4)

Subject: Fees and charges for the use of State parks, parkways, historic sites and recreational facilities.

Purpose: To repeal outdated fees and charges that are not required to be posted in regulation.

Text or summary was published in the January 27, 2021 issue of the Register, I.D. No. PKR-04-21-00005-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kathleen Martens, Supervising Attorney, Office of Parks, Recreation and Historic Preservation, 625 Broadway, Albany, New York, (518) 486-2921, email: Rule.Making@parks.ny.gov

Revised Job Impact Statement

The regulations that are the subject of this proposed rulemaking (9 NYCRR Parts 381 and 383) establish fees or charges for the use of State parks, parkways, historic sites and recreational facilities under the juris-

diction of Office of Parks, Recreation and Historic Preservation (OPRHP). The proposed repeal removes outdated fees and regulations that are not required by statute; therefore, the amendment will not affect jobs or employment opportunities.

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

**EMERGENCY/PROPOSED
 RULE MAKING
 NO HEARING(S) SCHEDULED**

Waiver of a Tariff Rule

I.D. No. PSC-19-21-00006-EP
Filing Date: 2021-04-26
Effective Date: 2021-04-26

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: The Commission, on April 26, 2021, adopted an order waiving certain portions of Rule 57 of Niagara Mohawk Power Corporation d/b/a National Grid’s tariff P.S.C. No. 220—Electricity, regarding revenue reconciliations.

Statutory authority: Public Service Law, sections 5(1), 65(1) and 66(12)

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: In light of the financial, health, and other impacts COVID-19 continues to have on people across New York State, Niagara Mohawk Power Corporation d/b/a National Grid requests that the Commission waive certain portions of its electric tariff rule 57, regarding the reconciliation of revenues. Absent immediate Commission action, the reconciliation would result in higher than necessary surcharges to customers. In order to help alleviate the financial hardships customers may face, this action cannot wait for the 60 day comment period to expire.

Subject: Waiver of a tariff rule.

Purpose: To financially assist customers in a time of hardship.

Substance of emergency/proposed rule: The Public Service Commission is considering a petition filed on April 21, 2021, by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company). In light of the financial, health, and other impacts COVID-19 continues to have on people across New York State, the petition requests waivers of Rules 57.1.3.3, 57.2, and 57.2.2 of National Grid’s Electric Tariff, P.S.C. No. 220, regarding the reconciliation of revenues pursuant to the revenue decoupling mechanism (RDM).

Pursuant to the RDM, any imbalance between actual revenue and the revenue targets at the end of an “RDM Reconciliation Period” is reconciled, i.e., surcredited or surcharged during the subsequent “RDM Adjustment Period.” As relevant to the petition, the RDM Reconciliation Period is the 12-month period from April 1, 2020 through March 31, 2021, and the RDM Adjustment Period is the 11-month period from May 1, 2021 through March 31, 2022. Specifically, National Grid requests waivers of provisions related to its RDM to allow the Company to surcredit/surcharge the RDM imbalance over the 14-month period from May 1, 2021 through June 30, 2022, rather than the 11-month period indicated in the Electric Tariff.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire July 24, 2021.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Department of Public Service, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0238EP13)

NOTICE OF ADOPTION**Submetering of Electricity and Waiver Request**

I.D. No. PSC-45-20-00006-A

Filing Date: 2021-04-21

Effective Date: 2021-04-21

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/15/21, the PSC adopted an order approving 329 St. Nick LLC's (329 St. Nick) petition to submeter electricity at 3-31 St. Nicholas Avenue, Flushing, New York and waiver of energy audit requirements in 16 NYCRR section 96.5(k)(3).

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Submetering of electricity and waiver request.

Purpose: To approve 329 St. Nick's petition to submeter electricity and waiver request of 16 NYCRR section 96.5(k)(3).

Text or summary was published in the November 10, 2020 issue of the Register, I.D. No. PSC-45-20-00006-P.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-E-0476SA1)

NOTICE OF ADOPTION**Submetering of Electricity**

I.D. No. PSC-49-20-00010-A

Filing Date: 2021-04-21

Effective Date: 2021-04-21

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 4/15/21, the PSC adopted an order approving Collegium West 120th Street LLC's (Collegium West) notice of intent to submeter electricity at 415 West 120th Street, New York, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Submetering of electricity.

Purpose: To approve Collegium West's notice of intent to submeter electricity.

Text or summary was published in the December 9, 2020 issue of the Register, I.D. No. PSC-49-20-00010-P.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-E-0554SA1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED**Major Electric Rate Filing**

I.D. No. PSC-19-21-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal filed by Orange and Rockland Utilities, Inc. (O&R) to make various changes in the rates, charges, rules and regulations as contained in its schedule, P.S.C. No. 3 — Electricity.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Major electric rate filing.

Purpose: To consider an increase in O&R's electric delivery revenues.

Public hearing(s) will be held at: 10:30 a.m., July 12, 2021 and continuing daily as needed via teleconference. (Evidentiary Hearing)*

*On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 21-E-0074.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Commission is considering a proposal, filed on January 29, 2021, by Orange and Rockland Utilities, Inc. (O&R or the Company) to increase its electric delivery revenues for the rate year ending December 31, 2022 by approximately \$24.5 million (5.8% increase in delivery revenues, or 3.3% increase in total revenues).

The requested increase in electric delivery revenues results in an average residential monthly bill increase of \$7.22 (6.1% increase on the total bill) for a 600kWh per month customer. The major cost drivers of this rate filing include infrastructure costs associated with return on rate base and depreciation on plant additions; reduced sales; and, increases to labor expense. The initial suspension period for the proposed filing runs through June 26, 2021.

The full text of the proposal and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify in whole or in part, the action proposed and may also resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: Five days after the last scheduled public hearing.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-E-0074SP1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED**Major Gas Rate Filing**

I.D. No. PSC-19-21-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal filed by Orange and Rockland Utilities, Inc. (O&R) to make various changes in the rates, charges, rules and regulations as contained in its schedule, P.S.C. No. 4—Gas.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Major gas rate filing.

Purpose: To consider an increase in O&R's gas delivery revenues.

Public hearing(s) will be held at: 10:30 a.m., July 12, 2021 and continuing daily as needed via teleconference. (Evidentiary Hearing)*

*On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 21-G-0073.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Commission is considering a proposal, filed on January 29, 2021, by Orange and Rockland Utilities, Inc. (O&R or the Company) to increase its gas delivery revenues for the rate year ending December 31, 2022. O&R is requesting an increase in annual gas delivery revenues of approximately \$9.8 million (6.9% increase in delivery revenues, or 4.0% increase in total revenues).

The requested increase in gas delivery revenues results in an average residential monthly bill increase of \$7.49 (5.5% increase on the total bill) for a 100 ccf per month customer. The major cost drivers of this rate filing include infrastructure costs associated with return on rate base and depreciation on plant additions; and reduced sales. The initial suspension period for the proposed filing runs through June 26, 2021.

The full text of the proposal and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify in whole or in part, the action proposed and may also resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: Five days after the last scheduled public hearing.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-G-0073SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Street Lighting Facilities

I.D. No. PSC-19-21-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid seeking authorization to transfer certain street lighting facilities in the City of Little Falls to the City of Little Falls.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To determine whether to authorize the transfer of lighting facilities and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on April 16, 2021 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), requesting authorization to transfer certain street lighting facilities located in the City of Little Falls (City) to the City.

The original cost of the facilities was approximately \$782,496 and the net book value of the assets is \$429,238, as of February 28, 2021. National Grid proposes to transfer the street lighting facilities to the City for approximately \$445,781, which includes the net book value of the assets as

well as transition and transaction costs. National Grid explains that the agreement between it and the City provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of the closing.

The full text of the petition and the full record of the proceeding may be viewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-E-0240SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)

I.D. No. PSC-19-21-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition filed by Upstate Power, LLC requesting authorization to serve as a CCA program administrator and offer a program that focuses on opt-out Community Distributed Generation as the primary product offering.

Statutory authority: Public Service Law, sections 5(1), (2), 53, 65(1), 66(1), (2) and (3)

Subject: Community Choice Aggregation (CCA) and Community Distributed Generation (CDG).

Purpose: To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on April 19, 2021 by Upstate Power, LLC (Upstate Power) requesting authorization to serve as a Community Choice Aggregation (CCA) Program Administrator, and to offer a CCA program that provides opt-out Community Distributed Generation (CDG) as the primary product offering (Petition). The Commission has previously approved the offering of an opt-out CDG program in connection with a traditional CCA that includes commodity supply.

Upstate Power describes itself as an affiliate of Delaware River Solar, LLC (DRS), created for the purpose of serving as a CCA program administrator. DRS, Upstate Power explains, is an experienced CDG solar developer in New York State and has developed, constructed, and interconnected over 100 MW of CDG in the State, managing approximately 7,000 CDG customers across 23 CDG projects.

Upstate Power proposes a CCA program that focuses on opt-out CDG as the primary product, instead of the more traditional CCA model that focuses on commodity supply. Upstate Power asserts however that it would also offer a more traditional commodity supply product, as well as other value-added products, if an individual municipality wishes to include these offerings in an aggregation. According to Upstate Power, these other value-added products could include large-scale renewable energy supply, battery storage, demand management, and electric vehicle charging networks.

Upstate Power asserts that an opt-out CDG focused CCA program can offer an option for municipalities seeking cost-effective ways to expand renewable energy consumption in their communities. Additionally, Upstate Power notes that the New York State Energy Research and Development Authority (NYSERDA) awards extra points through its Climate Smart Communities Program to communities which offer a green CCA option, and asserts that approval of an opt-out CDG program like that proposed by Upstate Power would allow participating municipalities to take advantage of these benefits.

Upstate Power explains that some customers may be skeptical of the purported benefits of CDG which provides customers with a guarantee of saving. It asserts that allowing opt-out CDG will enable developers to partner with municipalities in customer outreach and education efforts to more effectively communicate the benefits of CDG, which will result in a better-educated public, provide assurance to community members that the program is credible and the offered savings legitimate, and will encourage more widespread adoption of CDG among customers. This, Upstate Power continues, will also help New York achieve its aggressive renewable energy goals. Upstate Power further asserts the one of the primary goals of its proposed program is to increase low- and moderate income (LMI) customer participation in CDG, and explains that it will aim to allocate at least 40% of each CDG project's capacity to LMI customers.

As part of its petition, Upstate Power submitted an Implementation Plan (IP) and Data Protection Plan (DPP) that it asserts are consistent with the Commission's orders in the CCA proceeding. According to Upstate Power, the proposed IP outlines the program's goals, plans for public outreach and education, the process by which it plans to implement opt-out CDG in participating communities, bidding and contracting processes, processes for the handling customer complaints, and required reporting to the Commission. Regarding the DPP, Upstate Power asserts that it takes the obligation to protect the confidentiality of sensitive customer information seriously and will ensure compliance with established Data Security Agreements executed with distribution utilities.

To avoid market power issues, Upstate Power proposes to operate and manage the CCA program separately from DRS and will select CDG projects to supply program participants through a competitive bidding process. Upstate Power asserts that it intends to ensure that participating municipalities have access to information regarding the bidding and CDG selection process, ensuring that customers are served by the most qualified and cost-competitive providers. Finally, Upstate Power proposes that approval of its proposed program will open the same opportunity for other market participants.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve other related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-M-0224SP22)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Street Lighting Facilities

I.D. No. PSC-19-21-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid seeking authorization to transfer certain street lighting facilities in the Town of Lysander to the Town of Lysander.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on April 16, 2021 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), requesting authorization to transfer certain street lighting facilities located in the Town of Lysander (Town) to the Town.

The original cost of the facilities was approximately \$1,429,952 and the

net book value of the assets is \$947,381, as of February 28, 2021. National Grid proposes to transfer the street lighting facilities to the Town for approximately \$960,723, which includes the net book value of the assets as well as transition and transaction costs. National Grid explains that the agreement between it and the Town provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of the closing.

The full text of the petition and the full record of the proceeding may be viewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-E-0239SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Debt Financing Arrangement

I.D. No. PSC-19-21-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition filed by Rensselaer Generating LLC and Roseton Generating LLC requesting authorization to issue debt financing pursuant to Section 69 of the Public Service Law.

Statutory authority: Public Service Law, sections 5, 64, 65, 66 and 69

Subject: Debt financing arrangement.

Purpose: To review the proposed financing and consider whether authorization is within the public interest.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition, filed on March 26, 2021, by Rensselaer Generating LLC and Roseton Generating LLC (Petitioners) requesting authorization under Public Service Law § 69 to pledge their assets to secure debt financing in the amount of \$270 million, with their immediate upstream owner, Riverview Power LLC (Riverview), as the borrower.

The Petitioners intend to secure the financing to retire the outstanding balance of previously incurred debt, secure Riverview's obligations under the \$270 million of new debt, and to support Riverview's hedging and trading activities in the electricity and fuel supply markets. The Petitioners request that the Commission apply the reduced level of scrutiny it has previously used to review financings proposed by similar companies that are lightly regulated by virtue of operating in a competitive environment. Furthermore, the Petitioners request flexibility to modify, without prior Commission approval, the identity of the financing entities, the payment terms, and the amount financed, so long as it does not exceed \$270 million.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (21-E-0182SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Proposed Transfer of Ownership Interests and Debt Financing Arrangement Related to Certain Electric Generating Facilities

I.D. No. PSC-19-21-00013-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition filed by Generation Bridge Acquisition, LLC and NRG Energy, Inc. requesting authorization to transfer ownership interests in electric generating facilities and to issue debt financing.

Statutory authority: Public Service Law, sections 5, 64, 65, 66, 69 and 70
Subject: Proposed transfer of ownership interests and debt financing arrangement related to certain electric generating facilities.

Purpose: To determine whether the proposed transfer of ownership interests and financing arrangement are in the public interest.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition, filed on April 5, 2021, by Generation Bridge Acquisition, LLC (Generation Bridge) and NRG Energy, Inc. (NRG) (collectively, the Petitioners) requesting a declaratory ruling that no further review is required under Section 70 of the Public Service Law (PSL) related to a proposed transaction whereby NRG will transfer its upstream ownership interests in Oswego Harbor Power, LLC (Oswego Harbor Power), the direct owner of the Oswego Harbor Power Station in Oswego, New York, and Arthur Kill Power LLC (Arthur Kill Power), the direct owner of the Arthur Kill Generating Station in New York City, to Generation Bridge.

The Petitioners assert that the proposed transaction is an inter-corporate transfer of upstream ownership interests in lightly regulated merchant entities, and therefore qualifies for the Commission's established presumption that no further review is warranted where the transfer does not present a potential to exercise market power or harm captive ratepayers.

In the alternative, the Petitioners request approval of the proposed transaction, pursuant to PSL § 70, as within the public interest. According to Petitioners, the indirect ownership of Oswego Harbor Power and Arthur Kill Power will not give Generation Bridge the ability to exercise market power in any market and therefore the proposed transaction does not pose any market power concerns. The Petitioners point to various considerations to support this assertion, such as a tolling agreement pursuant to which NRG will continue to control Arthur Kill's bidding and economic dispatch and NRG will receive energy and capacity payments resulting from this dispatch in the New York Independent System Operator, Inc.'s markets through at least April 2025. The Petitioners also request that the Commission reaffirm that, post-transaction, the direct owners of the Oswego Harbor Power Station and Arthur Kill Generating Station will remain subject to lightened regulation.

In addition, Generation Bridge requests that the Commission apply its lightened regulation standard to review its proposed financing and issue an order authorizing such financing under PSL § 69. Generation Bridge seeks authorization to issue total debt up to \$700 million to be used to fund the acquisition from NRG, pay certain transaction expenses, and support the working capital needs of the business after closing of the transaction. Generation Bridge requests flexibility to modify its financing entities, payment terms, and the amount of indebtedness, subject to a cap.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, email: secretary@dps.ny.gov

Public comment will be received until: 60 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (21-E-0196SP1)

Department of State

**PROPOSED RULE MAKING
HEARING(S) SCHEDULED**

Minimum Standards for Administration and Enforcement of the Uniform Code and Energy Code

I.D. No. DOS-19-21-00014-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Repeal of Part 1203; and addition of new Part 1203 to Title 19 NYCRR.

Statutory authority: Executive Law, sections 381 and 382

Subject: Minimum standards for administration and enforcement of the Uniform Code and Energy Code.

Purpose: To revise the minimum standards applicable to a program for administration and enforcement of the Uniform Code and Energy Code.

Public hearing(s) will be held at: 10:00 a.m., July 15, 2021 at 99 Washington Ave., Rm. 505, Albany, NY.

Due to the ongoing pandemic, the public hearing scheduled to accept public comments may be held virtually only. Instructions for attendance online or by phone will be provided on the Department of State's Division of Building Standards and Codes' website at <https://www.dos.ny.gov/DCEA/> at least fourteen (14) days prior to the public hearing.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule (Full text is posted at the following State website: <https://www.dos.ny.gov/DCEA/noticadopt.html>): This rule making would repeal the current version of Part 1203 of Title 19 of the NYCRR and add a new Part 1203 as summarized below:

Part 1203 Uniform Code and the Energy Code: Minimum Standards for Administration and Enforcement

Section 1203.1 Introduction and definitions.

(a) Introduction. Section 381 of the Executive Law directs the Secretary of State to promulgate rules and regulations for administration of the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code.

(b) Definitions. In this Part, the following terms are defined:

- (1) ACCA Manual J.
- (2) Assembly area.
- (3) Authority having jurisdiction.
- (4) Building permit.
- (5) Building systems.
- (6) Certificate of compliance.
- (7) Certificate of occupancy.
- (8) Codes.
- (9) Energy Code.
- (10) Energy storage system.
- (11) FCNYS.
- (12) Fire safety and property maintenance inspection.
- (13) Hazardous materials.
- (14) Hazardous production materials.
- (15) Mobile food preparation vehicles.
- (16) PMCNYS.
- (17) RCNYS.
- (18) Repair.
- (19) Sugarhouse.
- (20) Uniform Code.

Section 1203.2 Program for administration and enforcement.

(a) Every city, village, town, and county responsible for administration and enforcement of either or both of the Codes shall provide for such administration and enforcement by local law, ordinance, or other appropriate regulation. Any such local law, ordinance, or regulation, or combination thereof, shall include the features described in section 1203.3 of this Part.

(b) Where the State is responsible under section 1201.2(d) of Part 1201 of this Title for administration and enforcement of the Uniform Code, the state agency or agencies determined in accordance with the provisions of Part 1204 of this Title shall administer and enforce the Codes in accordance with Part 1204 of this Title and subdivision (j) of section 1203.3 of this Part. For the purposes of section 1203.3(j)(5) of this Part, the period fixed by the code enforcement program of such state agency, as the interval between periodic condition assessments, shall not exceed three years.

(c) Every state agency responsible under section 1201.2 of this Title for administration and enforcement of the Uniform Code and not otherwise included in subdivisions (a) and (b) of this section shall provide for administration and enforcement of the Codes in regulation. Any such regulation shall include the features described in section 1203.3 of this Part.

(d) Every authority having jurisdiction responsible for administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction. Every authority having jurisdiction responsible for administration and enforcement of the Energy Code shall exercise its powers in due and proper manner so as to further the purposes of protecting the health, safety, and security of the people of the State and assuring a continuing supply of energy for future generations.

(e) Contracted-for services.

(1) Where an authority having jurisdiction relies upon the contracted-for services of an individual or a business entity to perform any "building safety inspector enforcement activities" (as that term is defined in Part 1208 of this Title) on behalf of such authority having jurisdiction, the authority having jurisdiction shall satisfy itself that each individual performing such contracted-for building safety inspector enforcement activities has qualifications comparable to those of a person who has met the requirements of Part 1208 of this Title applicable to building safety inspectors.

(2) Where an authority having jurisdiction relies upon the contracted-for services of an individual or a business entity to perform any "code enforcement official enforcement activities" (as that term is defined in Part 1208 of this Title) on behalf of such authority having jurisdiction, the authority having jurisdiction shall satisfy itself that each individual performing such contracted-for code enforcement official enforcement activities has qualifications comparable to those of a person who has met the requirements of Part 1208 of this Title applicable to code enforcement officials.

(3) No agreement shall be made by which building permits, certificates of occupancy, temporary certificates of occupancy, certificates of compliance, orders, appearance tickets, or other similar documents related to administration and enforcement of either or both of the Codes are issued by other than public officers of the authority having jurisdiction.

(f) The persons, offices, departments, agencies, or combinations thereof, authorized and responsible for administration and enforcement of either or both of the Codes, or any portion thereof, shall be clearly identified.

Section 1203.3 Minimum features of a program for administration and enforcement.

A program for administration and enforcement of either or both of the Codes shall include all features described in subdivisions (a) through (l) of this section. Each government or agency responsible for administration and enforcement must provide for each of the listed features through local law, ordinance, or appropriate regulation. Such government or agency may adopt provisions for administration and enforcement that are more stringent than the minimum standards set forth in this section.

(a) Building permits.

(b) Construction inspections.

(c) Stop work orders.

(d) Certificates of occupancy, certificates of compliance, and temporary certificates of occupancy.

(e) Notification regarding fire or explosion.

(f) Procedures regarding unsafe structures and equipment and conditions of imminent danger.

(g) Operating permits.

(h) Fire safety and property maintenance inspections.

(i) Procedure for complaints.

(j) Condition assessments of parking garages.

(k) Climatic and Geographic Design Criteria.

(l) Recordkeeping. A system of records of the features and activities specified in subdivisions (a) through (k) of this section and of fees charged and collected, if any, shall be established and maintained.

Section 1203.4 Program review and reporting.

(a) Every city, village, town, and county charged under subdivision 2 of section 381 of the Executive Law with administration and enforcement of the Uniform Code shall annually submit to the Secretary of State, on a form prescribed by the Secretary of State, a report of its activities relative to administration and enforcement of the Codes.

(b) Upon request of the Department of State, every authority having jurisdiction shall provide to the Department of State true and complete copies of the records and related materials such authority having jurisdiction is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of either or both of the Codes as may be requested by the Department of State. Failure to produce the requested materials shall permit an inference that the minimum standards of this Part have not been met.

Section 1203.5 Compliance with an order to remedy.

(a) Introduction and purpose. Section 381 of the Executive Law provides for the administration and enforcement of the Codes and authorizes the Secretary of State to promulgate regulations establishing minimum standards for such administration and enforcement. In addition, subdivision 2 of section 382 of the Executive Law provides, in part, that any person, having been served, either personally or by registered or certified mail, with an order to remedy any condition found to exist in, on, or about any building in violation of the Uniform Code, who shall fail to comply with such order within the time fixed by the regulations promulgated by the Secretary of State pursuant to subdivision 1 of section 381 of the Executive Law, such time period to be stated in the order, shall be punishable by a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both. The purpose of this section is to fix, for the purposes of subdivision 2 of section 382 of the Executive Law, the time within which a person or entity served with an order to remedy is required to comply with such order to remedy.

(b) Definitions. In this section, the following terms are defined:

(1) Order to remedy.

(2) Comply with an order to remedy.

(c) Time for compliance with order to remedy. For the purposes of subdivision 2 of section 382 of the Executive Law, the time within which a person or entity served with an order to remedy is required to comply with such order to remedy is hereby fixed at 30 days following the date of such order to remedy.

(d) Statement to be included in order to remedy. For the purpose of complying with that part of subdivision 2 of section 382 of the Executive Law that provides "such time period to be stated in the order," an order to remedy shall include a statement substantially similar to the following: "The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by ___ [specify date], which is thirty (30) days after the date of this Order to Remedy."

(e) Service. An order to remedy shall be served personally or by certified or registered mail within five days of the date of the order. For the purposes of this section:

(1) if an order to remedy is served personally by any authorized means that requires more than one action by the person effecting service (such as service by "delivery and mail" similar to that authorized by CPLR 308[2]), the order to remedy shall be deemed to be served on the date on which the last required action is taken; and

(2) an order to remedy served by certified or registered mail shall be deemed to be served on the date it is mailed.

(f) Requiring immediate commencement of corrective action. Nothing in this section shall be construed as prohibiting any authority having jurisdiction that issues an order to remedy from including in such order to remedy provisions ordering the person or entity served with such order to remedy:

(1) to begin to remedy the violations described in the order to remedy immediately, or within some other specified period of time which may be less than 30 days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within 30 days of the date of such order to remedy; and/or

(2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by the code enforcement program of the authority having jurisdiction or by any other applicable statute, regulation, rule, local law or ordinance, and which the authority having jurisdiction may deem appropriate, during the period while such violations are being remedied.

(g) Other means of enforcing the Uniform Code. Nothing in this section shall be construed as requiring an authority having jurisdiction to issue an order to remedy in a given situation where violations of the Uniform Code are found to exist if, in the judgment of the authority having jurisdiction,

such violations can be addressed adequately by the use of other enforcement tools or by other means. Nothing in this section shall be construed as limiting the authority of an authority having jurisdiction to employ any other means of enforcing either or both of the Codes.

(h) Office of Fire Prevention and Control (OFPC). For the purposes of this section, the term order to remedy shall not include any order issued by OFPC pursuant to section 156-e of the Executive Law (or pursuant to any regulation promulgated thereunder) requiring the remedying of any condition found to exist in, on or about any building under the jurisdiction of a public college or independent college (as these terms are defined in section 807-b of the Education Law) which violates the Uniform Code. Nothing in this section shall be construed as fixing the time within which a public college or independent college shall have to comply with any such order, or as requiring any such order to include the statement prescribed in subdivision (d) of this section.

Text of proposed rule and any required statements and analyses may be obtained from: Emma Gonzalez-Laders, RA, Department of State, 99 Washington Ave., Suite 1160, Albany, NY 12231, (518) 473-8809, email: emma.gonzalez-laders@dos.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: Five days after the last scheduled public hearing.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.dos.ny.gov/DCEA/noticadopt.html>):

1. STATUTORY AUTHORITY

Part 1203 of Title 19 of the Official Compilation of the Rules and Regulations of the State of New York implements Executive Law § 381(1) by establishing minimum standards for the administration and enforcement of the State Uniform Fire Prevention and Building Code (“Uniform Code”) and State Energy Conservation Construction Code (“Energy Code”), and Executive Law § 382(2) by setting the time for compliance with an order to remedy a condition found to be in violation of the Uniform Code. Additionally, Energy Law § 11-107 provides that the Energy Code shall be administered and enforced in the manner prescribed by applicable local law or ordinance consistent with the standards and procedures adopted pursuant to § 381 of Executive Law.

2. LEGISLATIVE OBJECTIVES

Executive Law § 371 states that it shall be the public policy of the State of New York to: 1) ensure that the Uniform Code be in full force and effect in every area of the State; and 2) encourage local governments to exercise their full powers to administer and enforce the Uniform Code. The proposed rule would repeal an existing regulation that prescribes minimum standards for administration and enforcement of the Uniform Code and Energy Code and replace it with a new rule, which also establishes minimum standards regarding administration and enforcement of the Uniform Code and Energy Code, to correspond to the recent revision of the Uniform Code and Energy Code. In adopting the proposed rule, the Department of State (“DOS”) will be advancing the aforementioned public policies of the State.

This proposed rule is intended to amend Part 1203 to update the minimum standards for the administration and enforcement of the Uniform Code and Energy Code to (1) update references to be consistent with the updated versions of the Uniform Code and the Energy Code which took effect on May 12, 2020 (“2020 Codes of New York State”); (2) add defined terms for the purposes of Part 1203 based on the Executive Law and the 2020 Codes of New York State; and (3) update the requirements for operating permits to be consistent with the 2020 Codes of New York State.

3. NEEDS AND BENEFITS GENERAL

The purpose of the proposed rule is to prescribe minimum standards for administration and enforcement of the Uniform Code and the Energy Code whether enforced by a city, town, village, or some other governmental entity. Executive Law § 381 directs the Secretary of State to promulgate rules and regulations that establish such standards. The rule-making would repeal Part 1203 and replace it with a new Part 1203 which contains revised and updated standards.

The proposed rule identifies and describes the features which must be included in a program for administration and enforcement of the Uniform Code and Energy Code. Additionally, modifications to Part 1203 included providing definitions for key terms used in Part 1203 based on the Executive Law and the 2020 Codes of New York State; clarifying that the administration and enforcement provisions identified in Part 1203 include the administration and enforcement of both the Uniform Code and the Energy Code; including a greater degree of detail to assist an Authority Having Jurisdiction (“AHJ”) in verifying design professionals, where required, are in compliance with the Education Law; emphasizing that these are the baseline standards and that local governments can adopt more stringent administration and enforcement standards; clarifying the

time period for temporary certificates of occupancy, operating permits, and fire safety and property maintenance inspections; aligning the fire safety and property inspections of public and private schools and colleges with the annual inspection requirements of the Education Law and Executive Law; and modifying the list of work that can be excluded from the requirements for a building permit by deleting various categories of work that are not regulated by the Uniform Code and clarifying some work that may impact life safety that should not be exempt from the requirements for a building permit.

The proposed rule would require local governments charged with the responsibility for administering and enforcing the Uniform Code and/or Energy Code to provide for such administration and enforcement by local law, ordinance, or other appropriate regulation. The adoption of some type of local legislation is necessary to impose the requirements of an enforcement program upon private property owners.

Specific notable changes to the current Part 1203 are discussed in the full Regulatory Impact Statement outlining the needs and benefits, alternatives, and associated costs.

4. COST

a. Cost to Regulated Parties for the Implementation of, and Continuing Compliance, with the Proposed Rule

Local governments that administer and enforce the Uniform Code and Energy Code may incur costs in connection with revising a local program for administration and enforcement of the Uniform Code and Energy Code in order to bring such program into compliance with the rule. Amending a local law that implements the local code enforcement program may require expenses associated with the preparation of revised text, the publication of notices of a public hearing, and conducting the hearing itself. DOS anticipates that these costs will vary based on the degree to which a local government’s existing code enforcement program complies with the current version of Part 1203, as well as the degree by which a local government wishes to exceed the minimum standards established by this rule. Executive Law § 381(2) provides that cities, towns, villages, and counties may charge fees to defray the costs of administration and enforcement. Fees for permits and inspections such as building permits, operating permits, fire safety and property maintenance inspections, and construction inspections are instances where a local government can collect fees to defray the costs of administration and enforcement. DOS anticipates that these fees could offset the costs of the administrative duties that local governments may incur as a result of this rule.

The proposed rule might require certain building owners to now obtain an operating permit from the local government prior to operating certain buildings and/or conducting certain activities in accordance with the requirements of the new version of the Uniform Code, effective May 12, 2020, which could result in additional administrative fees.

Further information concerning costs and savings of the most significant of the proposed revisions to Part 1203 are discussed within Item #3 of the full Regulatory Impact Statement.

b. Cost to the Agency, the State and Local Governments for the Implementation of, and Continued Administration of, the Rule

Part 1203 currently requires each Authority Having Jurisdiction (“AHJ”) to establish a code enforcement program that includes the features described in Part 1203. Approximately 1,600 municipalities will be required to review their existing code enforcement program, and if such program does not now include the provisions described in the proposed Part 1203, as amended by this rule, such AHJ will be required to amend its program by local law, ordinance, or other appropriate regulation. The DOS anticipates that any AHJ that has established a code enforcement program that included the features described in the current version of Part 1203 will need to make only minor changes to that program to bring it into compliance with Part 1203, as proposed by this rule. To assist local governments, DOS will post on its website an updated model local law establishing a code enforcement program that includes the features required by Part 1203, as proposed by this rule.

DOS will provide training and guidance on the new or revised provisions of Part 1203, as needed, for all local government code enforcement personnel in the State at no cost to the municipalities. Local governments that administer and enforce the Uniform Code will continue to access the provisions of Part 1203 free of charge.

Further information concerning costs and savings of the most significant of the proposed revisions to Part 1203 are discussed within Item #3 of the full Regulatory Impact Statement.

5. LOCAL GOVERNMENT MANDATES

As more fully discussed in Item #4 of the full Regulatory Impact Statement, this rule will require AHJs to review their code enforcement programs; to amend those programs to include the additional provisions required by this rule; and to require some property owners to obtain an operating permit from the AHJ prior to operating a use or facility listed in this revised rule, while other operating permits will no longer be required where so permitted by a certificate of occupancy or certificate of

compliance. It is possible that a small number of AHJs will experience a net gain in the number of operating permits required, and if so, this rule will require those AHJs to review and process an increased number of operating permit applications; to take enforcement action or actions, if necessary; and to maintain records on the increased number of operating permits, if any. It is the opinion of DOS that most AHJs will experience a reduction in the number of operating permits processed.

Pursuant to Executive Law § 381, every city, town, and village is responsible for administering and enforcing the Uniform Code. Consequently, local government personnel will need to familiarize themselves with the details of this rule. DOS will provide guidance, as needed, to enable local governments to enforce this regulation.

6. PAPERWORK

As more fully discussed in Item #3 of the full Regulatory Impact Statement, this proposed rule might require some AHJs to require property owners to obtain annual operating permits for uses and activities not previously listed in Part 1203 and not otherwise permitted by the certificate of occupancy or certificate of compliance. Some AHJs that were only enforcing the minimum standards and/or that were issuing operating permits for periods exceeding one year might experience a small increase in the number of operating permits processed, however, it is anticipated that most AHJs will see a decrease in the number of operating permits processed.

7. DUPLICATION

This rule does not duplicate any rule or other legal requirement of the State or Federal government known to DOS.

8. ALTERNATIVES

It is the policy of DOS to modernize and amend the Uniform Code and Energy Code, to maintain consistency with the national model codes, to keep building practices in New York State consistent with practice nationally, and to incorporate new technological developments in a timely manner. It is also the policy of DOS to revise its regulations for consistency with updates to the Uniform Code and Energy Code. Consequently, the alternative of not updating existing provisions of Part 1203 was considered and rejected in order to maintain consistency with the recently adopted new versions of the Uniform Code and Energy Code and to provide clear direction to the AHJs on how to exercise their full powers to administer and enforce the Uniform Code and Energy Code as required by Executive Law § 371(2)(d) and Energy Law § 11-107.

9. FEDERAL STANDARDS

This rule does not exceed any minimum standards of the Federal government for the same or similar subject areas known to DOS.

10. COMPLIANCE SCHEDULE

DOS notified the "regulated parties" (i.e., cities, towns, villages, counties, and State agencies that administer and enforce the Uniform Code) of its intent to develop and propose this rule by means of a notice that was posted on the DOS website and contained in Building New York, an e-bulletin sent by DOS to local governments and other persons and entities interested in the construction industry. The notice was posted, and issued in the Building New York e-bulletin, prior to the filing of the Notice of Proposed Rule Making for this rule. Local governments that administer and enforce the Uniform Code have thus been afforded opportunity to review their code enforcement programs and begin to prepare potential revisions that may be necessitated by this rule. DOS also engaged stakeholders, such as the New York State Building Officials Conference and the New York State Codes Coalition, which represent broad constituencies, including fire service professionals, building officials, and design professionals from both urban and rural areas. In response to initial comments received from local code enforcement officials, organizations, and private companies, DOS revised this proposed rule as appropriate.

Regulatory Flexibility Analysis

1. EFFECT OF RULE

No small businesses would be affected by the proposed rule.

19 NYCRR Part 1203 ("Part 1203") implements Executive Law § 381(1) by establishing minimum standards for administration and enforcement of the State Uniform Fire Prevention and Building Code (the "Uniform Code") and the State Energy Conservation Construction Code (the "Energy Code"). This rule would apply to all local governments (cities, towns, villages, and counties) that administer and enforce the Uniform Code and Energy Code. The Department of State ("DOS") estimates that approximately 1,600 local governments currently administer and enforce the Uniform Code and Energy Code. All code enforcement programs would be required to include the features described in Part 1203, as amended by this rule.

2. COMPLIANCE REQUIREMENTS

Part 1203 currently requires local governments that administer and enforce the Uniform Code and Energy Code to establish code enforcement programs that include the features described in Part 1203. This rule would require local governments that administer and enforce the Uniform Code and Energy Code to update their code enforcement programs to include

the features described in the new Part 1203. The proposed rule would continue to require each local government that administers and enforces the Uniform Code to generate and retain records pertaining to its activities regarding administration and enforcement. In addition, each local government would continue to be required to annually submit a report to the Secretary of State regarding code enforcement activities in the local government.

3. PROFESSIONAL SERVICES

Local governments that administer and enforce the Uniform Code and Energy Code are currently required to use personnel who have received the training required by 19 NYCRR Part 1208 to perform code enforcement-related services. Those local governments would continue to be required to use personnel who have received such training. Local governments may wish to consult legal counsel in revising a local enforcement program to bring it into compliance with the rule.

The proposed rule would continue to require parking garage inspections to be performed by a professional engineer who has at least three years of experience performing structural evaluations. All parking garage owners, including local governments and small businesses, would be required to hire such an engineer to perform the evaluations if one is not currently employed by the local government.

4. COMPLIANCE COSTS

Local governments that administer and enforce the Uniform Code and Energy Code may incur costs in connection with revising a local program for administration and enforcement of the Uniform Code in order to bring such program into compliance with the rule. Amending a local law which implements the local code enforcement program may require expenses associated with the preparation of revised text, the publication of notices of a public hearing, and the conduct of the hearing itself. DOS anticipates that these costs would vary based on the extent to which a local government's existing code enforcement program complies with the current version of Part 1203, as well as the extent to which a local government may wish to exceed the minimum standards that would be established by this rule.

Executive Law § 381(2) provides that cities, towns, villages, and counties may charge fees to defray the costs of administration and enforcement. The proposed rule requires certain building owners to obtain an operating permit from the local government prior to operating certain buildings and/or conducting certain activities in accordance with the requirements of the new version of the Uniform Code, effective May 12, 2020, which could result in additional administrative fees. However, requiring operating permits would not only provide local governments with the necessary leverage to ensure that the provisions of the Uniform Code are complied with, but would also allow local governments to charge fees for these permits. DOS anticipates that these fees could offset the cost of the additional administrative duties that local governments may incur as a result of this rule.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY

Each local government that administers and enforces the Uniform Code and Energy Code is already required by existing Part 1203 to establish a code enforcement program that includes the features described in existing Part 1203. Prior to the filing of the Notice of Proposed Rule Making for this rule, DOS gave notice of its intent to develop and propose this rule by means of a notice in Building New York, an e-bulletin sent by DOS to approximately 10,000 subscribers, including local governments and other persons and entities interested in the construction industry. This provided local governments that administer and enforce the Uniform Code and Energy Code with additional time to review their code enforcement programs and to begin to prepare potential program revisions that may be necessitated by this rule. DOS anticipates that local governments (the regulated parties directly affected by this rule) will be able to comply with this rule within a reasonable time after the effective date.

DOS believes that it will be economically and technologically feasible for local governments that administer and enforce the Uniform Code and Energy Code to comply with the new Part 1203, as proposed by this rule.

DOS anticipates that it will not be necessary to develop new technology for compliance with the new Part 1203, as proposed by this rule.

6. MINIMIZING ADVERSE IMPACT

Small businesses would not be regulated by the proposed rule and therefore would not be subject to any economic impact, adverse or otherwise. No adverse impact on local governments from adoption of the rule is anticipated.

Approaches such as establishing differing standards or requirements that consider the resources available to small businesses and local governments and/or providing exemptions from coverage by the rule, or by any part thereof, for small businesses and local governments were not considered because doing so would be inconsistent with the provisions of Article 18 of the Executive Law.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

DOS gave small business and local governments an opportunity to participate in this rule making by publishing a notice regarding this rule in Building New York, an electronic news bulletin covering topics related to the Uniform Code and the construction industry, which is prepared by DOS and distributed to approximately 10,000 subscribers, including local governments, design professionals and others involved in all aspects of the construction industry. DOS also engaged stakeholders, such as the New York State Building Officials Conference and the New York State Codes Coalition, which represent broad constituencies, including fire service professionals, building officials, and design professionals from both urban and rural areas. In response to initial comments received from local code enforcement officials, organizations, and private companies, DOS revised this rule as appropriate.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS.

19 NYCRR Part 1203 (“Part 1203”) implements Executive Law § 381(1) by establishing minimum standards for administration and enforcement of the State Uniform Fire Prevention and Building Code (the “Uniform Code”) and the State Energy Conservation Construction Code (the “Energy Code”).

The rule making would repeal 19 NYCRR Part 1203 and replace it with a new Part 1203, which contains revised and updated standards. This rule would apply to all local governments (cities, towns, villages, and counties) that administer and enforce the Uniform Code and Energy Code. The Uniform Code applies in all parts of the State except New York City and the Energy Code applies in all parts of the State. Therefore, this rule would apply in all rural areas of the State. There would be no differentiation of this rule’s impact on rural areas and urban areas of the State.

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES.

Part 1203 currently requires local governments that administer and enforce the Uniform Code and Energy Code to establish code enforcement programs that include the features described in Part 1203. This rule would require local governments that administer and enforce the Uniform Code and Energy Code to update their code enforcement programs in order to include the features described in the new Part 1203, as proposed by this rule. A code enforcement program that is in substantial compliance with the current version of Part 1203 would require only minor changes. Local governments in rural areas, as well as in urban areas, may wish to consider consulting with legal counsel if it becomes necessary to reorganize the local code enforcement program to bring it in compliance with this rule. Every local government administering and enforcing the Uniform Code and Energy Code is currently required to submit an annual report to the Secretary of State regarding code enforcement activities performed by the local government; this proposed rule would continue to require the submissions of such reports.

3. COMPLIANCE COSTS.

Local governments that administer and enforce the Uniform Code and Energy Code may incur costs in connection with revising a local program for administration and enforcement of the Uniform Code in order to bring such program into compliance with the rule. Amending a local law which implements the local code enforcement program may require expenses associated with the preparation of revised text, the publication of notices of a public hearing, and the conduct of the hearing itself. The Department of State (“DOS”) anticipates that these costs will vary based on the extent to which a local government’s existing code enforcement program complies with the current version of Part 1203, as well as the extent to which a local government may wish to exceed the minimum standards that would be established by this rule.

Executive Law § 381(2) provides that cities, towns, villages, and counties may charge fees to defray the costs of administration and enforcement. The proposed rule requires certain building owners to obtain an operating permit from the local government prior to operating certain buildings and/or conducting certain activities in accordance with the requirements of the new version of the Uniform Code, effective May 12, 2020, which could result in additional administrative fees. However, requiring operating permits would not only provide local governments with the necessary leverage to ensure that the provisions of the Uniform Code are complied with, but would also allow local governments to charge fees for such permits. DOS anticipates that these fees could offset the cost of any additional administrative duties that local governments could incur as a result of this rule.

4. MINIMIZING ADVERSE IMPACT.

The proposed rule would not have an adverse impact on rural areas. In developing the proposed rule, DOS did not consider establishing differing compliance or reporting requirements or timetables, nor exempting rural areas from coverage by the rule is suggested by State Administrative Procedure Act § 202-bb(2). Executive Law § 371(2) declares that it shall be the public policy of the State of New York to “[i]nsure that the Uniform Code be in full force and effect in every area of the State” and to “[e]ncour-

age local governments to exercise their full powers to administer and enforce the Uniform Code.” Establishing differing standards or exempting rural areas from the application of the proposed rule would have conflicted with the public policy of the State as established by the Legislature.

5. RURAL AREA PARTICIPATION.

DOS notified interested parties throughout the State, including interested parties in rural areas, of the proposed adoption of this rule by means of a notice posted on the DOS website and published in Building New York, an electronic news bulletin distributed by the DOS which covers topics related to the Uniform Code, the Energy Code, and the construction industry which is prepared and distributed by DOS to approximately 10,000 subscribers, including local governments, design professionals and others involved in all aspects of the construction industry. DOS also engaged stakeholders, such as the New York State Building Officials Conference and the New York State Codes Coalition, which represent a broad constituency that includes fire service, building officials, and design professionals from both urban and rural areas. In response to comments received from local code enforcement officials, organizations, and private companies, DOS revised this rule as appropriate.

Job Impact Statement

The Department of State has determined that, given the nature and purpose of this rule, it would not have a substantial adverse impact on jobs or employment opportunities. Part 1203 of Title 19 NYCRR (“Part 1203”) establishes minimum standards for local governments that administer and enforce the State Uniform Fire Prevention and Building Code (the “Uniform Code”) and the State Energy Conservation Construction Code (the “Energy Code”). The rule would repeal the existing Part 1203 and replace it with a new Part 1203.

Pursuant to Executive Law § 381, cities, towns, villages, and counties are primarily responsible for administering the Uniform Code. The provisions of the proposed rule would therefore primarily regulate the activities of cities, towns, villages, and counties. Although the proposed rule would direct to some extent how the statutory duty of code administration and enforcement must be performed, it does not require an increase in current staffing, provided a municipality is at present adequately administering and enforcing the Uniform Code in a due and proper manner.

The Department of State finds that this rule would not have a substantial adverse impact on jobs and employment opportunities, and could have a positive impact or no impact on jobs and employment opportunities in New York State.

Workers’ Compensation Board

**REVISED RULE MAKING
NO HEARING(S) SCHEDULED**

Medical Treatment Guidelines

I.D. No. WCB-42-20-00005-RP

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following revised rule:

Proposed Action: Amendment of section 324.2 of Title 12 NYCRR.

Statutory authority: Workers’ Compensation Law, sections 13, 13-a, 117 and 141

Subject: Medical Treatment Guidelines.

Purpose: To add PTSD and acute stress disorder, and depression MTGs.

Text of revised rule: Subdivision (a) of Section 324.2 of Title 12 NYCRR is hereby amended to read as follows:

(a) Medical Treatment Guidelines. Regardless of the date of accident or date of disablement, treatment of on the job injuries, illnesses, or occupational diseases shall be consistent with the applicable Medical Treatment Guidelines set forth herein. The operative Medical Treatment Guidelines shall be the Medical Treatment Guidelines in place on the date on which medical services are rendered. All Treating Medical Providers shall treat all existing and new workers’ compensation injuries, illnesses, or occupational diseases, except as provided in section 324.3 of this Part, in accordance with the following:

(1) for the lumbar and thoracic spine, the New York Mid and Low Back Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is herein incorporated by reference;

(2) for the cervical spine, the New York Neck Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference;

(3) for the knee, with the New York Knee Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference;

(4) for the shoulder, the New York Shoulder Injury Medical Treatment Guidelines, Third Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference; and

(5) for treatment of carpal tunnel syndrome before [January 1] July 7, 202[0], the New York Carpal Tunnel Syndrome Medical Treatment Guidelines, Second Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference; and,

(6) for non-acute pain, the New York Non-Acute Pain Medical Treatment Guidelines, First Edition, September 15, 2014, effective November 1, 2014, which is incorporated herein by reference.

(7) for the hip and groin, the New York Hip/Groin Medical Treatment Guideline, First Edition, March 18, 2020, effective [January 1] July 7, 2021, which is incorporated herein by reference; and

(8) for the foot and ankle, the New York Foot/Ankle Medical Treatment Guideline, First Edition, March 18, 2020, effective [January 1] July 7, 2021, which is incorporated herein by reference; and

(9) for the elbow, the New York Elbow Medical Treatment Guideline, first edition, March 18, 2020 effective [January 1] July 7, 2021, herein incorporated by reference; and (10) for occupational interstitial lung disease, the New York Occupational Interstitial Lung Disease Medical Treatment Guideline, first edition, March 18, 2020, effective [January 1] July 7, 2021, herein incorporated by reference; and

(10) for occupational interstitial lung disease, the New York Occupational Interstitial Lung Disease Medical Treatment Guideline, first edition, March 18, 2020, effective [January 1] July 7, 2021, herein incorporated by reference;

(11) for asthma, the New York Asthma Medical Treatment Guideline, first edition, May 12, 2020, effective [January 1] July 7, 2021, herein incorporated by reference; [and]

(12) for hand, wrist and forearm, including treatment for carpal tunnel syndrome rendered on or after [January 1] July 7, 202[0], the New York Hand, Wrist & Forearm Medical Treatment Guideline, first edition, May 12, 2020, effective [January 1] July 7, 2021, herein incorporated by reference[.];

(13) for post-traumatic stress disorder and acute stress disorder, the New York Post-traumatic Stress Disorder and Acute Stress Disorder Medical Treatment Guideline, first edition, September 15, 2020, effective July 7, 2021, herein incorporated by reference; and

(14) for depression, the New York Work-Related Depression and Depressive Disorders Medical Treatment Guideline, first edition, September 15, 2020, effective July 7, 2021, herein incorporated by reference.

Subdivision (b) of section 324.2 of Title 12 NYCRR is hereby amended to read as follows:

(b) Obtaining the medical treatment guidelines. The New York Medical Treatment Guidelines incorporated by reference herein may be examined at the office of the Department of State, 99 Washington Avenue, Albany, New York, 12231, the Legislative Library, the libraries of the New York State Supreme Court, and the district offices of the Board. Copies may be downloaded from the Board's website without a fee[,] at wcb.ny.gov. [or obtained from the Board by submitting a request in writing, identifying the specific guideline requested to Publications, New York State Workers' Compensation Board, 328 State Street, Schenectady, New York 12305-2318.]

Revised rule compared with proposed rule: Substantial revisions were made in section 324.2.

Text of revised proposed rule and any required statements and analyses may be obtained from Heather MacMaster, NYS Workers' Compensation Board, Office of General Counsel, 328 State Street Schenectady NY 12305, (518) 486-9564, email: regulations@wcb.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required because the changes made to the last published rule do not necessitate revision to the previously published documents. These changes do not affect the meaning of any statements in the documents.

Assessment of Public Comment

During the public comment period, the Board received approximately 68 unique written comments and two copies of a form letter.

Comments on the proposal generally

The Board received several comments disagreeing with the proposals generally, with no suggestions or specific points of concern. Therefore, the Board has made no changes in response to these comments.

Many of the comments from providers, attorneys, and associations disagreed with the proposed guidelines as far as limiting the number of therapy visits and applying a "one size fits all" approach to treatment. It should be noted that the Medical Treatment Guidelines do not set hard and fast limits on the number and duration of therapy visits in a "one size fits all" manner. Rather, it is stated repeatedly that treatment plans are derived on a case-specific basis. Therefore, no change has been made in response to these comments. However, it should be noted that the case-specific nature of care was further reiterated throughout the guideline in order to underscore this point.

The Board received several comments from providers taking issue with the statement in the proposed guidelines that the WCB and medical advisory committee have not independently evaluated/vetted scientific medical literature but have relied on methodology by developers of various guidelines. The Board relies on evidence-based guidelines, medical literature, subject matter experts, and expert opinion received during public comment periods that have basis in the evidence-based medical literature. Accordingly, no change has been made as a result of this comment.

The Board received several comments from individual providers providing personal anecdotes of patients illustrating disagreement with the proposal generally. Because these comments did not express specific concerns or suggestions, no change was made in response to these comments.

Several comments expressed concern that the proposed guidelines seem to push medication when behavioral treatment should be considered more effective, as well as that the proposal focuses on symptom reduction instead of functional ability. The MTGs do not inherently favor pharmacologic interventions over behavioral interventions. Such determinations are typically based on the specific facts of any given case. The guidelines focus on both clinical and functional improvement. Therefore, no change has been made in response to these comments.

One comment recommended including mood stabilizers and stimulation medications in the proposal. The Board believes, based on the medical evidence, expert guidance, and public comment that the recommended pharmacologic interventions represent best practice. Requests for other interventions may be sought through the prior authorization process, provided there is appropriate medical justification. Therefore, no change has been made in response to this comment.

One comment also requested that a wider variety of benzodiazepines be available. The Board believes, based on the medical evidence, expert guidance, and public comment that the recommended pharmacologic interventions represent best practice. Requests for other interventions may be sought through the prior authorization process, provided there is appropriate medical justification. Therefore, no change has been made in response to this comment.

The Board received some comments stating that the portal is not user-friendly and does not work well. Because this is outside the scope of the proposed regulation, no change has been made in response to these comments.

The Board received a comment opining that supportive therapy should be included as a recommended treatment. The Board believes, based on the medical evidence, expert guidance, and public comment that the recommended array of therapeutic interventions represents best practice. Requests for other interventions may be sought through the prior authorization process, provided there is appropriate medical justification. Therefore, no change has been made in response to this comment.

One comment expressed concern that fraud and administrative burdens would be increased with the proposal. The Board believes that by promoting clinical best practices, administrative burden should be reduced, and sees no connection with an assertion of increased fraud. Therefore, no change has been made in response to this comment.

One comment expressed concern that there is not enough time being spent before the proposals are set to be effective. The Board believes that the formal public notice and comment period, revised rulemaking in response to public comment, and subsequent effective date should provide ample time for providers to reinforce clinical best practices, so no change has been made in response to this comment.

The Board also received several comments expressing confusion and/or frustration about the implementation of the drug formulary. As the drug formulary is not part of this proposal, the Board has not made any change to this proposal in response to these comments.

One comment also recommended delaying all psychiatry MTGs until there is a psychiatric formulary released simultaneously. The Board notes that updates to the existing formulary, incorporating the recommendations in these guidelines, will be made prior to the effective date of the guidelines, so no change has been made in response to these comments.

One comment from several providers requested that the Board acquire and publish data accurately reflecting the scope of work-related mental illness, as well as an accurate statewide accounting of resources available to

treat mental health issues. While the Board appreciates this suggestion, which raises important questions, this is beyond the scope of this review, comment and response related to the medical treatment guidelines, so no change has been made in response to this comment. The comment also stated that the proposed guidelines are well-researched and clearly written, but contain insufficient emphasis on issues related to suicidal thoughts and prevention. The guidelines do encourage providers to be vigilant for any indications that an individual might pose a threat to self or to others, and recommend escalation of the type and intensity of clinical services or interventions when indicated.

One comment requested that the WCB Psychology Practice Committee be consulted for the proposed guidelines and going forward. The Board has utilized widely accepted, evidence-based medical guidelines, as well as input from acknowledged subject matter experts in the generation of this MTG. While it may not be the specific function of the WCB Psychology Practice Committee to consult on the development of such guidelines, the Board always welcomes the comments of Committee members on these or related guidelines.

A form letter received from individual providers summarized perceived deficiencies in the proposal, including cultural awareness and competence, that issues of chronic pain and disability, as well as suicidality were not addressed, as well as psycho-social impact. The Board believes that all parties engaged in the Workers' Compensation System should comport themselves with cultural awareness and competence, and that such considerations should not be confined to any one MTG. Issues of chronic pain, disability, psycho-social impact and suicidality are addressed in the MTGs, so no change has been made in response to this form letter.

The Board received a comment from a provider opining that many of the evaluation sections and timelines are not supported by research and clinical practice. The comment did not include any evidence from the medical literature to support this assertion, and failed to recognize the multiple areas of the MTGs in which it is clearly stated that there may be variability in responses to treatment and treatment durations, so no change has been made in response to this comment.

The Board received a comment from an association generally agreeing with the addition of the proposed guidelines, but recommending the addition of duration, frequency, and specific types of alternative treatment (like yoga and exercise) to the proposal. The Board believes, based on the medical evidence, expert guidance, and public comment that the recommended array of therapeutic interventions represents best practice. Requests for other interventions may be sought through the prior authorization process, provided there is appropriate medical justification, so no change has been made in response to this comment.

The Board received a comment from an attorney requesting that the proposal be changed to allow providers to treat and allow carriers to challenge recommendations for treatment with an IME rather than MTGs. The MTG is designed to promote clinical best practices, and the mechanism by which claims are administered or adjudicated is beyond the scope of this MTG, so no change has been made in response to this comment.

PTSD

Two comments supported the inclusion of an atypical antipsychotic as a treatment option but suggested including several other medications as well. The Board believes, based on the medical evidence, expert guidance, and public comment that the recommended pharmacologic interventions represent best practice. Requests for other interventions may be sought through the prior authorization process, provided there is appropriate medical justification, so no change has been made in response to this comment.

One comment expressed concern that delayed onset PTSD is not included in the proposal. The Board has modified the MTG to include this in response to this comment.

The Board received a comment from a provider on the patient response section of the proposal stating that it takes much longer than 2-4 weeks for someone with PTSD to improve. The entirety of Section A (General Guideline Principles) has been reviewed by the Board's Medical Advisory Committee, and updates and modifications have been made throughout Section A which address this concern about PTSD, as well as other conditions.

The Board received a comment from a provider disagreeing with the diagnostic timeframes in the proposal, opining that it does not allow for clinical judgment. The entirety of Section A (General Guideline Principles) has been reviewed by the Board's Medical Advisory Committee, and updates and modifications have been made throughout Section A which address this concern about PTSD, as well as other conditions.

The Board received a comment from a provider disagreeing with the psychological and psychiatric evaluations sections of the proposal, stating that the majority of workers with PTSD have more than one diagnosis. The entirety of Section A (General Guideline Principles) has been reviewed by the Board's Medical Advisory Committee, and updates and modifications have been made throughout Section A which address this concern about PTSD, as well as other conditions.

The Board received a comment from a provider indicating that the statistics are misleading and disagreeing with the proposal, and that the timelines are not supported by literature or clinical practice. The Board would comment that the statistics provided come from the medical literature, and the MTG clearly states that a significant percentage of patients develop chronic PTSD, so no change has been made in response to this comment.

The Board received a comment from a provider opining that a PTSD assessment scale should be administered and reviewed by the examiner for their validity. The MTG supports the use of appropriately administered diagnostic testing, so no change has been made in response to this comment.

Depression

One comment expressed concern that "depressive disorder due to another condition" is not included in the proposal. The Board has modified the MTG accordingly to include this and other diagnoses.

One comment disagreed with Venlafaxine and Bupropion only being included in the immediate release formulation. The Board believes, based on the medical evidence, expert guidance, and public comment that the recommended pharmacologic interventions represent best practice. Requests for other interventions may be sought through the prior authorization process, provided there is appropriate medical justification, so no change has been made in response to this comment.

One comment also recommended classifying trazodone as a medication for insomnia. The Board believes, based on the medical evidence, expert guidance, and public comment that the recommended pharmacologic interventions represent best practice. Requests for other interventions may be sought through the prior authorization process, provided there is appropriate medical justification, so no change has been made in response to this comment.

One comment pointed out that the PTSD guidelines provide for 3-12 months for PTSD psychological intervention, but the Depression guideline does not contain a similar provision, and questioned whether this was intentional. The Board believes that this represents an oversimplification and mischaracterization of the content of the guidelines. That notwithstanding, an effort has been made to clarify certain elements of both guidelines in response to this comment.

One comment supported the proposal generally, but suggested a modification to section A16, changing three hours to five hours for a follow-up assessment at a minimum. The entirety of Section A (General Guideline Principles) has been reviewed by the Board's Medical Advisory Committee, and updates and modifications have been made throughout Section A, including A16.

The Board received a comment from a provider opining that psychological testing is necessary as part of the intake process to identify issues. This is an incorrect interpretation of the MTGs as nowhere in either MTG does it state that psychological testing should not be part of the "intake." Accordingly, no change has been made in response to this comment.

The Board received a comment from a provider stating they believe a test assessing the severity of depression should be administered and reviewed. The Board appreciates the comment, and points out that such testing is already included, so no change has been made in response to this comment.

Changes made:

- Corrected a typographical error to clarify treatment of carpal tunnel syndrome before and after the Hand, Wrist and Forearm MTG becomes effective.
 - The entirety of Section A (General Guideline Principles) has been reviewed by the Board's Medical Advisory Committee, and updates and modifications have been made throughout Section A.
 - Language was added to both the Depression and PTSD guidelines warning about the inherent risks of polypharmacy. In addition, language was added to both guidelines advising that for long-term, chronic patients who are clinically and functionally stable, prescription refills and follow-up dates should be coordinated by both providers and insurers/PBMs to assure that there is continuity of treatment between follow-up visits.
 - The effective date of the new MTGs changed to July 7, 2021 in the text of 324.2.
 - Amended subdivision (b) of section 324.2 to clarify where copies of the New York MTGs may be obtained.
- #### Depression MTG Changes
- Changed name of MTG from New York Major Depressive Disorder Medical Treatment Guideline to New York Work-Related Depression and Depressive Disorders Medical Treatment Guideline.
 - Added DSM-5 diagnoses: depressive disorder due to another medical condition, adjustment disorder, and substance/medication-induced depression.
 - Added DSM-5 diagnostic criteria tables.
 - Added treatment and overview sentence reading: "For DDD due to

other medical conditions, substances or medications, it is critical that the underlying cause of the DDD be addressed.”

- Added Cognitive Behavioral Therapy (CBT) paragraph reading: “Treatment frequency and duration may vary, based on case-specific circumstances. The healthcare provider must provide medical explanation and/or justification for deviation in frequency/duration from these guidelines. While this documentation is typically provided on a monthly basis during the acute phase of illness, for patients who have transitioned to a long-term, chronic phase of illness, and who are stable on existing treatment, this medical documentation can be provided every two to three months, in conjunction with regular clinical follow-up at those intervals. Care should be taken that such longer periods between clinic visits and reporting do not result in gaps in care.”

- Added notes regarding Pharmacotherapy to section B.3.b.ii.
- Changed reference to MDD (Major Depressive Disorder) to Work-Related Depression and Depressive Disorders (DDD) throughout.

- Modified medications sentence to read: “Discontinuation of Antidepressant Therapy – Should be done with a slow taper since [withdrawal] discontinuation done too rapidly may result in adverse withdrawal symptoms.”

- Clarified that Antipsychotics in section B.5.b.iii and electroconvulsive therapy (ECT) in section B.5.c. are only appropriate for Major Depressive Disorder and not all diagnoses addressed in the modified MTG.

Post-Traumatic Stress Disorder MTG Changes

- Treatment Overview Sentence added reading “There may be occasional, subtle variations to treatment approaches, on a case-specific basis, when the provider can justify such variation with a medically evidence-based rationale.”

- Medication notes regarding medications added to Work-Related Depression and Depressive Disorders were also added to PTSD.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-19-21-00001-P	Set Monitoring, Operational and Reporting Requirements for the Oil and Natural Gas Sector	Electronic webinar—July 20, 2021, 2:00 p.m. and 6:00 p.m. Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 203 by May 12, 2021. The proposed regulations webpage for 6 NYCRR Part 203 may be accessed at: https://www.dec.ny.gov/regulations/propregulations.html Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 203 public comment hearing. The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than June 29, 2021. The written request must be addressed to ALJ Lara Q. Olivieri, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Olivieri at: ohms@dec.ny.gov
Liquor Authority, State		
LQR-12-21-00005-P	Minimum Curriculum Requirements for ATAP Schools	163 W. 125th St. New York, NY—June 9, 2021, 10:00 a.m.
Long Island Power Authority		
LPA-14-21-00010-P	To Increase Participation in the NYSERDA GJGNY On-Bill Loan Installment Program	Virtual (link will be on LIPA website)—June 7, 2021, 10:00 a.m. and 2:00 p.m.
Public Service Commission		
PSC-19-21-00009-P	Major Electric Rate Filing	Teleconference—July 12, 2021, 10:30 a.m. and continuing daily as needed. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 21-E-0074.
PSC-19-21-00012-P	Major Gas Rate Filing	Teleconference—July 12, 2021, 10:30 a.m. and continuing daily as needed. (Evidentiary Hearing)* *On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 21-G-0073.

State, Department of

DOS-12-21-00010-P.....	New York State Uniform Fire Prevention and Building Code (Uniform Code)	99 Washington Ave., Rm. 505, Albany NY— May 27, 2021, 10:00 a.m. Due to the ongoing pandemic, the public hearing scheduled to accept public comments may be held virtually only. Instructions for attendance online or by phone will be provided on the Department of State’s Division of Building Standards and Codes’ website at https://www.dos.ny.gov/DCEA/ at least fourteen (14) days prior to the public hearing.
DOS-19-21-00014-P.....	Minimum Standards for Administration and Enforcement of the Uniform Code and Energy Code	99 Washington Ave., Rm. 505, Albany, NY— July 15, 2021, 10:00 a.m. Due to the ongoing pandemic, the public hearing scheduled to accept public comments may be held virtually only. Instructions for attendance online or by phone will be provided on the Department of State’s Division of Building Standards and Codes’ website at https://www.dos.ny.gov/DCEA/ at least fourteen (14) days prior to the public hearing.

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals

listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGRICULTURE AND MARKETS, DEPARTMENT OF

*AAM-12-20-00006-P 07/24/21	Calibrating and testing of certain weights and measures standards and devices.	To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices.
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ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-28-20-00013-P 07/24/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
ASA-28-20-00016-P	..... 07/24/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation

CHILDREN AND FAMILY SERVICES, OFFICE OF

*CFS-04-20-00009-P	..... 07/24/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-49-20-00006-EP	..... 12/09/21	Maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days.	Remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs.

CIVIL SERVICE, DEPARTMENT OF

*CVS-03-20-00003-P	..... 07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-03-20-00004-P	..... 07/24/21	Jurisdictional Classification	To classify a position in the exempt class
*CVS-03-20-00005-P	..... 07/24/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-03-20-00006-P	..... 07/24/21	Jurisdictional Classification	To classify a position in the non-competitive class

Action Pending Index

NYS Register/May 12, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
*CVS-03-20-00007-P	07/24/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
*CVS-06-20-00001-P	07/24/21	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-06-20-00002-P	07/24/21	Jurisdictional Classification	To classify a position in the exempt class
*CVS-06-20-00003-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-06-20-00004-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-06-20-00005-P	07/24/21	Jurisdictional Classification	To delete positions from the non-competitive class
*CVS-06-20-00006-P	07/24/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-06-20-00007-P	07/24/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
*CVS-06-20-00008-P	07/24/21	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
*CVS-13-20-00002-P	07/24/21	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020
*CVS-13-20-00009-P	07/24/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-13-20-00010-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-13-20-00011-P	07/24/21	Jurisdictional Classification	To delete positions from the exempt class
*CVS-13-20-00012-P	07/24/21	Jurisdictional Classification	To delete positions from the non-competitive class
*CVS-13-20-00013-P	07/24/21	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-13-20-00014-P	07/24/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-13-20-00015-P	07/24/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-13-20-00016-P	07/24/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-13-20-00017-P	07/24/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-13-20-00018-P	07/24/21	Jurisdictional Classification	To classify a position in the exempt class
*CVS-13-20-00019-P	07/24/21	Jurisdictional Classification	To classify positions in the exempt class
*CVS-13-20-00020-P	07/24/21	Jurisdictional Classification	To delete positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
*CVS-13-20-00021-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-13-20-00022-P	07/24/21	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-13-20-00023-P	07/24/21	Jurisdictional Classification	To delete positions from the non-competitive class
*CVS-13-20-00024-P	07/24/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
*CVS-13-20-00025-P	04/29/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-24-20-00002-P	07/24/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-20-00003-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00004-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00005-P	07/24/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	07/24/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-20-00007-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00008-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00009-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00010-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-20-00004-P	07/24/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-28-20-00005-P	07/24/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00006-P	07/24/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00007-P	07/24/21	Jurisdictional Classification	To delete a position from the exempt class
CVS-28-20-00008-P	07/24/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00009-P	07/24/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-20-00010-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class.

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CIVIL SERVICE, DEPARTMENT OF			
CVS-28-20-00011-P	07/24/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00012-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-20-00003-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00004-P	08/12/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes
CVS-32-20-00005-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00006-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-41-20-00002-P	10/14/21	Jurisdictional Classification	To delete positions from and to classify a subheading and positions in the exempt class
CVS-41-20-00003-P	10/14/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-20-00004-P	10/14/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-20-00005-P	10/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-20-00006-P	10/14/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-41-20-00007-P	10/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-49-20-00002-P	12/09/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-49-20-00003-P	12/09/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class.
CVS-49-20-00004-P	12/09/21	Jurisdictional Classification	To classify positions in the exempt class.
CVS-49-20-00005-P	12/09/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-02-21-00001-P	01/13/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-02-21-00002-P	01/13/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-02-21-00003-P	01/13/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-21-00001-P	02/10/22	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to classify positions in the non-competitive class
CVS-06-21-00002-P	02/10/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-21-00003-P	02/10/22	Jurisdictional Classification	To delete a position from and classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-06-21-00004-P	02/10/22	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-21-00005-P	02/10/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-10-21-00001-P	03/10/22	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-10-21-00002-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class and to classify a position from the non-competitive class
CVS-10-21-00003-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-10-21-00004-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-10-21-00005-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00005-P	03/31/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00006-P	03/31/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00007-P	03/31/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-21-00008-P	03/31/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-14-21-00001-P	04/07/22	Juneteenth Holiday	To add Juneteenth to the listing of holidays in the Attendance Rules
CVS-14-21-00002-P	04/07/22	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2021
CVS-19-21-00003-P	05/12/22	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-19-21-00004-P	05/12/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-21-00005-P	05/12/22	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class

COMMISSIONER OF PILOTS, BOARD OF

COP-12-21-00001-P	03/24/22	Updating the current website address; changing terminology regarding credentials and; changing age range for acceptance	To provide current information and allow for a more practical admission procedure reflecting modern reality
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CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF

CCS-34-20-00001-P	08/26/21	Family Reunion Program	To clarify for logic and consistency, and make additional changes to the current Family Reunion Program
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-48-20-00001-P	12/02/21	Employee Training Incentive Program	To update the administrative processes for the ETIP program
EDUCATION DEPARTMENT			
*EDU-17-19-00008-P	07/24/21	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population
*EDU-27-19-00010-P	07/24/21	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
EDU-20-20-00008-ERP	08/18/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-04-21-00009-EP	01/27/22	Designation of the Executive Deputy Commissioner as the Deputy Commissioner of Education as specified in Education Law § 101	To conform the Regents Rules to changes in the internal organization of the State Education Department
EDU-04-21-00010-P	01/27/22	The licensure of registered pharmacy technicians	To implement the provisions of Chapter 414 of the Laws of 2019 relating to the licensure of registered pharmacy technicians
EDU-08-21-00001-EP	02/24/22	Providing Flexibility Relating to Higher Education Regulatory Requirements in Response to the COVID-19 Crisis	To provide flexibility for certain higher education related regulatory requirements in response to the COVID-19 crisis
EDU-08-21-00002-P	02/24/22	The Definition of the Term “University”	To clarify and broaden the definition of the term “university”
EDU-13-21-00011-EP	03/31/22	Licensure requirements for Land Surveyors	Adding and amending licensure requirements for Land Surveyors
EDU-13-21-00012-P	03/31/22	Renaming the Languages Other Than English (LOTE) learning standards to “World Languages”	To rename the LOTE learning standards to “World Languages” and corresponding changes to the certificate title and tenure titles
EDU-13-21-00013-P	03/31/22	Eligibility of School Psychology Candidates for the Internship Certificate	To allow candidates enrolled in registered school psychology programs to be eligible for the Internship certificate
EDU-13-21-00014-EP	03/31/22	Addressing the COVID-19 Crisis	To provide regulatory flexibility in response to the COVID-19 crisis
EDU-17-21-00009-EP	04/28/22	Including Emergency Protocols in District-Wide School Safety Plans	To implement Chapter 168 of the Laws of 2020, as amended by Chapter 30 of the Laws of 2021
EDU-17-21-00010-EP	04/28/22	Students’ Eligibility to Participate in Interscholastic Competition Until the Conclusion of the Interscholastic Spring Season	To ensure that eligible students are able to complete their interscholastic athletic spring season the year they graduate
EDU-17-21-00011-P	04/28/22	Education Law 310 Appeals to the Commissioner and Initiation Conduct of Proceedings for the Removal of School Officers	To make technical changes and other clarifying amendments to section 310 appeal procedures and requirements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-17-21-00012-EP	04/28/22	Extending the edTPA Safety Net in Response to the COVID-19 Crisis	To extend the edTPA safety net in response to the COVID-19 crisis
ELECTIONS, STATE BOARD OF			
SBE-06-21-00015-EP	02/10/22	Related to establishing a cure process for absentee ballots	Establishes a cure process for absentee ballots
SBE-13-21-00015-P	03/31/22	Implementation of Cyber Security Requirements for Local Boards of Elections	Requires that that every county board of elections adhere to a minimum level of cyber-security standards
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-01-21-00003-ERP	01/06/22	Regulations governing recreational fishing for striped bass	To require circle hooks when fishing recreationally for striped bass using bait
ENV-03-21-00010-P	03/23/22	Application of Site-Specific Criteria to Class I and Class SD Waters	Add site-specific criteria to Class I and SD waters to provide additional water quality protection of the existing best uses
ENV-04-21-00007-P	03/30/22	Chlorpyrifos prohibition	Prohibit distribution, sale, purchase, possession, or use of pesticides that contain the active ingredient chlorpyrifos
ENV-04-21-00008-P	04/07/22	Food Donation and Food Scraps Recycling	Required by Title 22 of Article 27, the rule increases food donation and the recycling of food scraps through composting
ENV-12-21-00004-P	03/24/22	Public use of Wildlife Management Areas, and areas with special regulations	To ensure that public use of WMAs and other sites does not interfere or conflict with intended purposes of those areas
ENV-16-21-00012-P	04/21/22	Regulations governing whelk management	To protect immature whelk from harvest and establish gear and reporting rules for marine resource protection and public safety
ENV-19-21-00001-P	07/20/22	Set monitoring, operational and reporting requirements for the oil and natural gas sector	Reduce emissions of methane and volatile organic compounds from the oil and natural gas sector
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-43-19-00017-RP	07/28/21	Independent Dispute Resolution for Emergency Services and Surpsise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-49-20-00011-P	12/09/21	Credit for Reinsurance	To conform to covered agreements entered into between the US and EU and the US and UK, and implement NAIC models.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-09-21-00010-P	03/03/22	Notice to Employees Concerning Termination of Group and Health Insurance Policies, etc.	To make technical changes; comport with statutes; update office addresses; correct citations; etc.
DFS-13-21-00001-P	03/31/22	Enterprise Risk Management and Own Risk and Solvency Assessment	To require an entity subject to the rule to describe its ERM function in its enterprise risk report, among other things
DFS-14-21-00007-P	04/07/22	Public Adjusters	To update the rule regarding public adjusters, including to conform to Chapter 546 of the Laws of 2013
GAMING COMMISSION, NEW YORK STATE			
SGC-34-20-00009-P	08/26/21	Qualification time in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-50-20-00007-P	12/16/21	Contactless payment methods for chances in charitable gaming	To promote public health and support of organizations authorized to operate games of chance
SGC-09-21-00011-P	03/03/22	Restrictions on clenbuterol use in Thoroughbred racing	To improve integrity, health and safety of Thoroughbred horse racing
SGC-09-21-00012-P	03/03/22	Thresholds for controlled therapeutic medications in horse racing	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-09-21-00013-P	03/03/22	Casino table game rules	To set forth the practices and procedures for the conduct and operation of table games
SGC-09-21-00014-P	03/03/22	Lasix administrations on race day	To enhance the safety and integrity of pari-mutuel racing
SGC-09-21-00015-P	03/03/22	Regulation of bingo	To conform bingo rules to current statutes, including allowing payment for bingo opportunity by check
SGC-17-21-00001-P	04/28/22	Time, place and manner of Powerball drawings	To provide that the time, place and manner of Powerball drawings will be as authorized by the Multi-State Lottery Association
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-36-19-00006-P	07/24/21	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
*HLT-46-19-00003-P	07/24/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
*HLT-47-19-00008-P	07/24/21	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
*HLT-51-19-00001-P	07/24/21	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
*HLT-04-20-00003-P	07/24/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
*HLT-04-20-00011-P	07/24/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.
*HLT-11-20-00003-P	07/24/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program
HLT-27-20-00006-P	07/24/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals
HLT-28-20-00019-RP	07/24/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
HLT-38-20-00006-P	09/23/21	Medicaid Transportation Program	Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model
HLT-38-20-00008-ERP	09/23/21	Revise Requirements for Collection of Blood Components	To facilitate the availability of human blood components while maintaining safety
HLT-45-20-00002-P	11/10/21	Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
HLT-05-21-00011-P	02/03/22	Ingredient Disclosures for Vapor Products and E-Cigarettes	To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes
HLT-07-21-00012-P	02/17/22	Rate Setting for Residential Habilitation in Community Residences and for Non-State Providers of Day Habilitation	To amend rate methodologies limiting payments to IRA providers to conform to provisions in approved waiver
HLT-09-21-00009-EP	03/03/22	Surrogacy Programs and Assisted Reproduction Service Providers	To license and regulate surrogacy programs
HLT-19-21-00002-EP	05/12/22	Meeting Space in Transitional Adult Homes	Establish criteria for suitable meeting space to ensure privacy in conversations and submit a compliance plan to the Department
HOMELAND SECURITY AND EMERGENCY SERVICES, DIVISION OF			
HES-08-21-00007-P	02/24/22	Minimum qualifications for certain fire chiefs	Minimum qualifications for fire chiefs subject to Civil Service Law Section 58-a and General Municipal Law section 204-dd

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
*HCR-21-19-00019-P	07/24/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation o flow-income housing tax credits.
HOUSING FINANCE AGENCY			
*HFA-21-19-00020-P	07/24/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
HUMAN RIGHTS, DIVISION OF			
HRT-15-21-00005-P	04/14/22	Notice of tenants' rights to reasonable modifications and accommodations for persons with disabilities	To comply with the requirements of Executive Law section 170-d
LABOR, DEPARTMENT OF			
*LAB-46-19-00004-P	07/24/21	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAB-49-20-00012-P	12/09/21	Sick Leave Requirements	To provide definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law
LAB-05-21-00003-EP	02/03/22	Unemployment Insurance (UI) definition of "day of total unemployment"	To prevent an additional financial burden on UI claimants seeking part-time work opportunities and help employers obtain talent
LAW, DEPARTMENT OF			
*LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information
LIQUOR AUTHORITY, STATE			
LQR-12-21-00005-P	06/09/22	Minimum curriculum requirements for ATAP schools	To add information regarding sexual violence prevention to minimum curriculum requirements for ATAP schools
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-14-21-00010-P	..... exempt	To increase participation in the NYSEDA GJGNY On-Bill Loan Installment program	To provide low-cost on-bill financing for customers investing in energy efficiency, DERs, and beneficial electrification
LONG ISLAND RAILROAD COMPANY			
LIR-39-20-00005-ERP	..... 09/30/21	Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road	To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-39-20-00007-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
MENTAL HEALTH, OFFICE OF			
OMH-42-20-00011-EP	..... 10/21/21	Comprehensive Psychiatric Emergency Programs	To provide clarify and provide uniformity relating to CPEPs and to implement Chapter 58 of the Laws of 2020
OMH-09-21-00001-EP	..... 03/03/22	Redesigning Residential Treatment Facilities (RTF)	To provide clarity and provide uniformity relating to RTF's and to implement Chapter 58 of the Laws of 2020
OMH-15-21-00001-EP	..... 04/14/22	Residential treatment facility leave of absence	Update requirements for leave of absence in RTFs; Implement State Plan Amendments effective 7/1/18 (attachment 4.16C (pg 2 & 3)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
METRO-NORTH COMMUTER RAILROAD			
MCR-39-20-00004-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad	To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities
METROPOLITAN TRANSPORTATION AGENCY			
MTA-39-20-00009-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company	To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance
MTA-16-21-00004-EP	04/21/22	Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries	To safeguard the public health and safety by adding a new all-agency rule requiring the use of masks in facilities and conveyances
NEW YORK CITY TRANSIT AUTHORITY			
NTA-39-20-00006-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-12-21-00007-P	03/24/22	Repeal and amendment to outdated rate regulations	Repeal and amendment to outdated rate regulations
PDD-14-21-00005-EP	04/07/22	Medical Consents	To assist providers in administering the COVID-19 vaccine
PDD-15-21-00002-EP	04/14/22	Billing for Day Program Duration	To allow providers of day hab and site-based prevocational services to bill for day program duration with greater flexibility
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision

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PUBLIC SERVICE COMMISSION			
*PSC-02-08-00006-P exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH

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PUBLIC SERVICE COMMISSION			
*PSC-39-08-00010-P exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service

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PUBLIC SERVICE COMMISSION			
*PSC-08-10-00007-P exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegey to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegey to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas meter for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00015-P	..... exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00016-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-50-19-00004-P	..... exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
*PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
*PSC-03-20-00009-P	..... exempt	Changes to the Utility Energy Registry	To determine appropriate rules for data availability
*PSC-04-20-00014-P	..... exempt	Transfer of the Indian Point site, nuclear waste, and decommissioning and site restoration funds from Entergy to Holtec.	To protect the public interest.
*PSC-07-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-21-20-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-23-20-00008-P	..... exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
PSC-31-20-00008-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-20-00004-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
PSC-37-20-00006-P	..... exempt	Con Edison's petition for a proposed Non-Pipeline Solutions portfolio and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-40-20-00003-P	..... exempt	NYSEG's petition for a proposed Non-Pipeline Alternatives portfolio of projects and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-40-20-00004-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-41-20-00010-P	..... exempt	Disposition of a \$50 million municipal tax refund	To consider a disposition of a municipal tax refund for customer and company benefit
PSC-41-20-00011-P	..... exempt	Major gas rate filing.	To consider a proposed increase in Conring's gas delivery revenues of approximately \$6.3 million (23.4% in total revenues).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-20-00006-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$41.8 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.
PSC-42-20-00009-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$100.4 million (or 3.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-20-00003-P	..... exempt	The use of \$50 million to support residential and commercial customers experiencing financial hardship	To consider whether the proposed support of ratepayers is in the public interest
PSC-44-20-00007-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 90.5 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 90.5 MW electric generating facility.
PSC-44-20-00009-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-45-20-00004-P	..... exempt	Major gas rate filing	To consider an increase in Central Hudson's gas delivery revenues
PSC-45-20-00005-P	..... exempt	Major electric rate filing	To consider an increase in Central Hudson's electric delivery revenues
PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service.	To determine if approving the DPS Staff's recommendations is in the public interest.
PSC-47-20-00006-P	..... exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-47-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-47-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-20-00004-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-49-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-51-20-00006-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00007-P	..... exempt	Whitepaper on the ACOS method used by utilities in developing Standby and Buyback Service rates.	To standardize the utility ACOS methods and resulting rates, and to enable stand-alone energy storage systems.
PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its “Energy Savings Program” to mass market customers.
PSC-51-20-00010-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
PSC-52-20-00002-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-52-20-00003-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-20-00004-P	..... exempt	Use of pipeline refund.	To consider how a pipeline refund of \$2.26 million will be utilized by National Fuel.
PSC-52-20-00006-P	..... exempt	Banked credit distribution rules and processes.	To ensure just and consistent banked credit distribution rules and processes.
PSC-52-20-00008-P	..... exempt	Transfer of a natural gas pipeline and the associated certificate, and application of lightened and incidental regulation.	To determine whether the requested transfers and regulatory treatment are consistent with the law and the public interest.
PSC-52-20-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-52-20-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-52-20-00017-P	..... exempt	Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC’s proposed financing.	To review the proposed financing and consider whether it is within the public interest.
PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers.
PSC-01-21-00006-P	..... exempt	A debt financing arrangement with respect to an electric transmission line under development.	To review the proposed financing and consider whether it is within the public interest.
PSC-01-21-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-02-21-00006-P	..... exempt	Disposition of a sales tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-03-21-00006-P	..... exempt	Comprehensive study to identify distribution and transmission investments in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the State's climate goals.
PSC-03-21-00007-P	..... exempt	Waiver of certain rules, i.e., 7-day installation requirements pertaining to cable television franchise.	To determine whether to waive any rules and regulations.
PSC-03-21-00009-P	..... exempt	The waiver of regulation and tariff provisions to allow for more time to recover the deposit for electric infrastructure.	Whether the extension of the deadline is in the public interest.
PSC-04-21-00016-P	..... exempt	Request for a waiver.	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement.
PSC-04-21-00017-P	..... exempt	Funding and management of the the Clean Energy Fund portfolio.	To review NYSERDA's proposed modifications to the Clean Energy Fund portfolio and determine whether the changes are acceptable.
PSC-04-21-00018-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-04-21-00019-P	..... exempt	Consideration of National Grid USA's New York electric and gas utilities' Implementation Plan and audit recommendations.	To ensure that recommendations issued in a comprehensive management audit are appropriately addressed and implemented.
PSC-04-21-00020-P	..... exempt	NFG's Implementation Plan and audit recommendations.	To consider to implement the management audit recommendations.
PSC-05-21-00004-P	..... exempt	Alternative proposal for net crediting billing.	To facilitate development of and participation in Community Distributed Generation projects.
PSC-05-21-00005-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW electric generating facility.
PSC-05-21-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-21-00007-P	..... exempt	Petition to amend bill estimation procedures.	To consider the petition of Central Hudson Gas & Electric Corporation to amend its current bill estimation procedures.
PSC-05-21-00008-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-21-00009-P	..... exempt	Proposed rate increase in annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-05-21-00012-P	..... exempt	The electric utilities' 2021 Electric Emergency Response Plans.	To consider the adequacy of the proposed 2021 Electric Emergency Response Plans.
PSC-06-21-00008-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-06-21-00009-P	..... exempt	Disposition of a property tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-06-21-00010-P	..... exempt	Exemptions from utility standby rates for distributed energy resources and efficient combined heat and power projects.	To determine whether utility standby rate exemptions should be continued.
PSC-06-21-00011-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-21-00005-P	..... exempt	Staff Whitepaper recommending modifications to the utility's energy affordability program.	To consider updates and enhancements to the utility's low-income energy affordability program.
PSC-07-21-00006-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of lighting facilities and the proper accounting for the transaction.
PSC-07-21-00007-P	..... exempt	Conditioned pre-approval of stock transactions of regulated entities.	To consider allowing stock transactions within statutory parameters without Commission approval for individual transactions.
PSC-07-21-00008-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To reduce unnecessary waste and disposal of hard copy directories.
PSC-07-21-00009-P	..... exempt	PSC regulations 16 NYCRR 86.3(a)(1); 86.3(a)(2); 86.4(b).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-07-21-00010-P	..... exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer of lighting facilities and the proper accounting for the transaction
PSC-07-21-00011-P	..... exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer of lighting facilities and the proper accounting for the transaction
PSC-08-21-00003-P	..... exempt	Utility-owned ESR participation in the New York Independent System Operator, Inc. (NYISO) administered wholesale markets.	To consider if National Grid should use a ESR in NYISO markets, and whether any conditions are appropriate for such use.
PSC-08-21-00004-P	..... exempt	Proposed transfer of water supply assets.	To determine if transfer of all water supply assets is in the public interest.
PSC-08-21-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of lighting facilities and the proper accounting for the transaction.
PSC-08-21-00006-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street lighting facilities and the proper accounting for the transaction.
PSC-09-21-00002-P	..... exempt	Gas moratorium procedures	To consider procedures and criteria to minimize customer hardships in the unlikely event of a future gas moratorium
PSC-09-21-00003-P	..... exempt	Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00006-P	..... exempt	Long-term gas system planning.	To consider a process to review gas distribution utilities' long-term system planning.
PSC-09-21-00007-P	..... exempt	Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00008-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-10-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer of street lighting facilities and the proper accounting for the transaction.
PSC-10-21-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-10-21-00009-P	..... exempt	Gas Demand Response Pilot Program.	To provide promote natural gas system reliability by encouraging reductions of natural gas demand during peak gas demand days.
PSC-11-21-00003-P	..... exempt	NYSEG and RG&E's petition for a waiver of its customer service quality performance.	To determine if NYSEG and RG&E's petition for waiver is in the public interest.
PSC-11-21-00004-P	..... exempt	Pre-authorization to transfer certain cyber-security related equipment to other utilities participating in the CMA program.	To enhance the reliability of the energy system by enabling transfers of certain equipment to other participating utilities.
PSC-11-21-00005-P	..... exempt	Peitition concerning tariff amendments regarding billing of transformer losses.	To ensure that the National Grid tariff contains appropriate provisions for the billing of transformer losses.
PSC-12-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-12-21-00009-P	..... exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.
PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding.	To ensure the appropriate use of funding reserved for gas safety programs.
PSC-13-21-00017-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of an energy storage facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW energy storage facility.
PSC-13-21-00018-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-13-21-00019-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00020-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-13-21-00021-P	..... exempt	Headroom analyses of local transmission and distribution system to support additional renewable energy generation.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.
PSC-13-21-00022-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00023-P	..... exempt	Petition for the use of steam metering equipment.	To ensure that consumer bills are based on accurate measurements of steam usage.
PSC-14-21-00003-P	..... 04/07/22	More specific requirements for Operator Qualification to work on pipelines. Allows applications for "special permits."	To make the provision of natural gas service safer in New York State with better qualified pipeline workers.
PSC-14-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-14-21-00009-P	..... exempt	Tariff amendments regarding the Clean Energy Standard Supply Surcharge.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-21-00006-P	..... exempt	Proposed sale of the Company's stock to the Buyers.	To determine if sale of the Company's stock to the Buyers is in the public interest.
PSC-15-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime.
PSC-15-21-00008-P	..... exempt	Transfer easement of transmission right-of-way.	To consider the proposed easement and the proper accounting treatment.
PSC-15-21-00009-P	..... exempt	Proposed filing to account for the acquisition of DTI by EGTS.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-21-00010-P	..... exempt	Proposed filing to account for the acquisition of DTI by EGTS.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-21-00011-P	..... exempt	Tariff rate modifications for net metered distributed energy resources.	To implement just and reasonable rates for distributed energy resources.
PSC-16-21-00005-P	..... exempt	Tier 2 Maintenance Tier Program of the Renewable Energy Standard.	To promote and maintain renewable electric energy resources.
PSC-16-21-00006-P	..... exempt	The appropriate level of community credit capacity for distributed energy generation projects in the territory.	Consideration of an increase in the community credit capacity for distributed generation projects in the territory.
PSC-16-21-00007-P	..... exempt	Accounting-related rules for utilities implementing the Integrated Energy Data Resource.	To consider cost recovery of capital expenditures and budget allocations of costs between affiliated companies.
PSC-16-21-00008-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-16-21-00009-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-16-21-00010-P	..... exempt	Petition to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-16-21-00011-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-17-21-00002-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-17-21-00003-P	..... exempt	Notice of intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-17-21-00004-P	..... exempt	Waiver of tariff rules.	To consider whether a waiver of tariff rules is just and reasonable and in the public interest.
PSC-17-21-00005-P	..... exempt	Submetering equipment.	To consider use of submetering equipment and if it is in the public interest.
PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation.	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation.
PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities.	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities.
PSC-17-21-00008-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, refinancing of maturing debt.
PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs.	To modify and improve Community Choice Aggregation programs in New York State.
PSC-18-21-00005-P	..... exempt	Proposed transfer of the Company's capital stock to the Purchaser.	To determine if transfer of the Company's capital stock to the Purchaser is in the public interest.
PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products.	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products.
PSC-18-21-00007-P	..... exempt	System modernization tracker (SMT) recovery period amendment.	To determine whether to extend the recovery period associated with the SMT's leak prone pipe replacement costs.
PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits.	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers.
PSC-19-21-00006-EP	..... exempt	Waiver of a tariff rule.	To financially assist customers in a time of hardship.
PSC-19-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG).	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-19-21-00009-P	..... exempt	Major electric rate filing.	To consider an increase in O&R's electric delivery revenues.
PSC-19-21-00010-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-19-21-00011-P	..... exempt	Debt financing arrangement.	To review the proposed financing and consider whether authorization is within the public interest.
PSC-19-21-00012-P	..... exempt	Major gas rate filing.	To consider an increase in O&R's gas delivery revenues.
PSC-19-21-00013-P	..... exempt	The proposed transfer of ownership interests and debt financing arrangement related to certain electric generating facilities.	To determine whether the proposed transfer of ownership interests and financing arrangement are in the public interest.
STATE, DEPARTMENT OF			
DOS-48-20-00010-P	..... 12/02/21	Procedures and requirements related to the filing of certificates by the Department of State's Division of Corporations	To clarify and update procedures related to the filing of certificates with the Division of Corporations
DOS-05-21-00013-P	..... 02/03/22	Requirements and procedures related to filing, review and publication of financial reports filed with the Department of State	To provide procedures related to the filing, review and publication of financial reports filed with the Department of State
DOS-12-21-00010-P	..... 05/27/22	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code to add specific provisions applicable to rail stations
DOS-13-21-00025-P	..... 03/31/22	Successor in interest registrations under the Right of Publicity law	To establish the fee and verification requirements to file a claim under the Right of Publicity law
DOS-19-21-00014-P	..... 07/15/22	Minimum standards for administration and enforcement of the Uniform Code and Energy Code	To revise the minimum standards applicable to a program for administration and enforcement of the Uniform Code and Energy Code
STATE UNIVERSITY OF NEW YORK			
*SUN-53-19-00005-P	..... 07/24/21	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-29-20-00004-EP	..... 07/24/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
SUN-29-20-00005-EP	..... 07/24/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
SUN-05-21-00010-P	..... 02/03/22	Proposed amendments to the traffic and parking regulations at State University of New York at Potsdam	Amend existing regulations to update traffic and parking regulations
SUN-11-21-00006-EP	..... 03/17/22	Gender Neutral Bathrooms	To conform with legislation requiring SUNY state-operated campuses to designate all single occupancy bathrooms as gender neutral

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSITY OF NEW YORK			
SUN-17-21-00014-EP	04/28/22	Holiday Leave	To designate Juneteenth as a holiday for SUNY employees
SUN-17-21-00015-EP	04/28/22	Appointment of Employees; Eligibility	To allow for the addition of one year to the service limits for faculty hired between May 20, 2020 - June 30, 2021
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
SIR-39-20-00008-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA.	To safeguard the public health and safety by amending rules to require the use of masks when using terminals and stations.
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-07-21-00002-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period April 1, 2021 through June 30, 2021
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-46-20-00002-P	11/18/21	Payment access cards	To update State regulations pertaining to payment access cards to align with Part V of Chapter 56 of the Laws of 2020
TDA-13-21-00010-P	03/31/22	Establishment of parentage	To amend state regulations for the establishment of paternity to reflect federal and recently-enacted state statutory requirements, to coordinate and update terminology used by the Child Support Program, and to conform regulatory citations with state laws
TRANSPORTATION, DEPARTMENT OF			
TRN-14-21-00004-P	04/07/22	Regulation of commercial motor carriers in New York State	The rule making updates Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers
WORKERS' COMPENSATION BOARD			
WCB-28-20-00003-EP	07/24/21	Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave	To clarify that employees may take PFL to care for a family member with COVID-19
WCB-42-20-00004-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-42-20-00005-RP	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-06-21-00013-P	02/10/22	Medical Treatment Guidelines	To update back, neck, shoulder, knee, and NAP MTGs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-10-21-00006-P	03/10/22	Direct Deposit of compensation payments	To implement the statute requiring direct deposit be available for certain compensation payments
WCB-13-21-00002-EP	03/31/22	Ambulatory surgery services fees	To update fees for ambulatory surgery services fees, especially due to the COVID-19 pandemic
WCB-13-21-00003-EP	03/31/22	Designated contact information	To provide a compliance date for carriers, self-insured employers, or TPAs to designate points of contact in the PAR process
WCB-13-21-00004-EP	03/31/22	Notice as required for compliance with the Formulary	To provide a compliance date for carriers, self-insured employers, or TPAs to provide notice as required by 12 NYCRR 441.3(f)
WCB-13-21-00009-P	03/31/22	Updating the prescription drug formulary prior authorization process	To include medical marijuana in the prior authorization process
WCB-15-21-00003-P	04/14/22	Medical Treatment Guidelines	To update the NAP MTGs

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE ROOF

Department of Transportation Region 8
Kingston, Ulster County

Sealed bids for Project No. Q1811-C, comprising a contract for Construction Work, Replace Roof, DOT Region 8, Ulster County, 11 Quarry Street, Kingston (Ulster County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, May 19, 2021, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$31,700 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contract that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862, and John Lewycky, Acting Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 121 days after the Agreement is approved by the Comptroller.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

**REMOVE
REPLACE BOILERS STACKS
Wyoming Correctional Facility
Attica, Wyoming County**

Sealed bids for Project No 46023-H, comprising a contract for HVAC Work, Remove / Replace Boilers Stacks, Building 72, Wyoming Correctional Facility, 3203 Dunbar Road, Attica (Wyoming County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, May 19, 2021, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$52,500 for H).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for H.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862, and John Lewyckyj, Acting Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

- Project commenced design before January 1, 2020. Not subject to provision.
- Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 357 days after the Agreement is approved by the Comptroller.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows 3% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Environmental Facilities Corporation
Division of Operations & Program Management
625 Broadway
Albany, NY 12207-2997
and
Department of Health
Bureau of Water Supply Protection
Empire State Plaza
Corning Tower Rm. 1135
Albany, NY 12237

MUNICIPALITIES OF NEW YORK STATE OWNERS/ OPERATORS OF PUBLIC DRINKING WATER SYSTEMS Clean Water State Revolving Fund (CWSRF) for Water Pollution Control Drinking Water State Revolving Fund (DWSRF)

The New York State Environmental Facilities Corporation (EFC), the Department of Environmental Conservation (DEC) and the Department of Health (DOH) are pleased to announce the availability of funds in support of CWSRF and the DWSRF eligible projects for Federal Fiscal Year (FFY) 2022 (the "IUP period"). The CWSRF and DWSRF programs are available to municipalities and certain non-municipal entities in New York State to finance water quality and drinking water related projects. Eligible projects that have submitted required items by the deadline will be listed in the CWSRF and DWSRF 2022 Draft IUPs.

New project listing forms and project updates will be accepted through Friday, July 16, 2021 for projects that are interested in receiving CWSRF and DWSRF funding during the 2022 Intended Use Plan (IUP) period (10/1/2021 – 9/30/2022).

EFC anticipates the CWSRF program will be able to provide approximately \$580 million in interest-free or low-interest rate financing and additional subsidy (grant or principal forgiveness) for clean water project costs during the 2022 IUP period.

DOH anticipates the DWSRF program will be able to provide approximately \$344 million in interest-free or low-interest rate financing and additional subsidy for drinking water project costs during the 2022 IUP period.

Eligible entities seeking CWSRF or DWSRF financing in the 2022 IUP period must:

- For CWSRF, list or update their project using the Project Listing and Update System (PLUS), available at <https://plus.efc.ny.gov/plus/>;
- For DWSRF, submit a project listing form;
- submit an approvable engineering report consistent with the Engineering Report Outline on EFC's website at www.efc.ny.gov; and
- submit a completed Smart Growth Assessment Form.

These items must be submitted to EFC (for CWSRF) or DOH (for DWSRF) no later than Friday, July 16, 2021 to have a project listed on the Annual List in the 2022 IUP and be eligible for financing in the 2022 IUP Period. If these items are not received prior to July 16, 2021, the project will not be listed in the IUP. Projects will not be added to the IUPs between the Draft and Final IUP.

Projects that were listed on the 2021 CWSRF IUP and are required to provide project updates must submit the updates using PLUS to receive funding in the 2022 IUP period. Municipalities have been notified if their projects must submit an update, and all updates must be submitted no later than Friday, July 16, 2021.

ELIGIBLE PROJECTS:

CWSRF - Municipal water pollution control projects eligible for interest-free or low-interest rate financing and additional subsidy under Section 212 of the Clean Water Act (CWA) include, but are not limited to: wastewater treatment facilities, pumping stations and sewers, combined sewer overflow abatement; stormwater pollution abatement; and other municipally-owned projects or portions of projects that maintain, protect or improve water quality.

Municipal and non-municipal entities are eligible for CWSRF interest-free or low-interest rate financing and additional subsidy for non-point source projects that protect water quality under CWA Section 319 or implement an approved National Estuary Plan under CWA Section 320. Projects include, but are not limited to: green infrastructure; landfill leachate collection, storage and treatment; stormwater management facilities and equipment; wetland and waterbody restoration; deficient or failing decentralized septic systems; or other non-point source projects to maintain, protect or improve water quality under Section 319.

DWSRF - Municipally-owned and privately-owned community water systems and non-profit, non-community water systems may be eligible for DWSRF subsidized financing or additional subsidy. Projects eligible for DWSRF financing include: construction, rehabilitation, and upgrading of water treatment plants; transmission and distribution mains; storage facilities; pump stations; rehabilitation or development of new drinking water sources; consolidation of water supply services; and capital investments to improve security of drinking water systems.

WEBINAR:

EFC and DOH will host a one-hour webinar about the State Revolving Funds on Tuesday, May 25 at 10:00 AM and Wednesday, June 16 at 2:00 p.m. These events will present an overview of the CWSRF and DWSRF programs and provide an opportunity to answer participant questions. A notice about the webinars will be emailed to interested parties. Registration information will also be posted on EFC's website at: www.efc.ny.gov

EFC & DOH CONTACTS:

For assistance with the project listing process, or for information on the SRF programs, please contact:

CWSRF: Dwight Brown, SRF Program Services Coordinator, Division of Operations & Program Management, Environmental Facilities Corporation, 625 Broadway, Albany, NY 12207-2997, (518) 402-7396, e-mail: dwight.brown@efc.ny.gov, EFC website: www.efc.ny.gov

DWSRF: David Phillips, P.E., Chief of Design, Bureau of Water Supply Protection, Department of Health, Empire State Plaza, Corning Tower Rm. 1135, Albany, NY 12237, (800) 458-1158 ext. 27650 or (518) 402-7650, e-mail: bpwsp@health.ny.gov

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

GreenNY Interagency Committee on Sustainability and Green Procurement

Pursuant to Executive Order No. 4: Establishing a State Green Procurement and Agency Sustainability Program, April 24, 2008 ("EO 4"), the Interagency Committee on Sustainability and Green Procurement hereby gives public notice of the following:

21 green specifications were tentatively approved by the Interagency Committee on Sustainability and Green Procurement and have been posted for public comment.

These include new or amended specifications on the following topics:

- Refrigerant Containing Equipment
- General Purpose Cleaners
- Hand Cleaners, Hand Soaps, Consumer Antiseptic Hand Washes and Hand Rubs, and Personal Care Cleansing Products
- Cookware and Bakeware
- Lower Carbon Concrete
- Foam Insulation
- Appliances and Commercial Kitchen Equipment (15 individual specifications)

All of the above specifications are available for viewing at: <https://ogs.ny.gov/greeny/executive-order-4-tentatively-approved-specifications>

Information regarding the green specification approval process is also available at the above link.

Comments may be submitted electronically to GreenEO4@ogs.ny.gov.

Comments from the public regarding the tentatively approved specifications will be accepted until Friday, August 27, 2021.

PUBLIC NOTICE

Office of General Services

Pursuant to Section 30-a(1) and 33 of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that State University of New York, College of Environmental Science and Forestry has determined that a certain piece or parcel of land, known as 2 Bradford Heights Road, Town of Dewitt, County of Onondaga, Tax Identifier 055.-04-02.0, improved with a 2,600± square foot dwelling on a 0.46± acre lot, as surplus and no longer useful or necessary for state program purposes, and has abandoned the property to the Commissioner of General Services for sale or other disposition as Unappropriated State land.

For further information, please contact: Frank Pallante, Esq., Office of General Services, Legal Services, 36th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-8831, frank.pallante@ogs.ny.gov

PUBLIC NOTICE

Department of State

F-2021-0076

Date of Issuance – May 12, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0076, Craig Bitner, is proposing the construction of a 4' x 163' pile-supported timber pier with a 6' wide by 16' long pierhead with two piling-mounted boat hoisting davits; 42" by 40' aluminum ramp; 8' x 25' timber floating dock and four timber foot anchor pilings. Project is located at 806 Dean Avenue, Bronx County, Eastchester Bay in Long Island Sound.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0076_Bitner_jointapp

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

New York City Local Waterfront Revitalization Program: <https://docs.dos.ny.gov/opd-lwrp/LWRP/New%20York%20City/IndexAmd2.html>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, June 11, 2021.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2021-0164

Date of Issuance – May 12, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-0164 the applicant, Shea Thorvaldsen, is proposing to remove existing 757 square foot boathouse and install a new 1,300 square foot boathouse on a helical pile and concrete stem wall foundation. The old 86ft timber staving bulkhead will be removed, and a new 94ft tied-back vinyl sheet pile bulkhead will be installed inshore of the existing. The boat slip will be enlarged and dredged from approximately -3.5 ft NAVD to -6.38 ft NAVD for 3.75 ft of water at MLLW. An 8' x 32' timber floating dock will be installed parallel along the bulkhead on the creek. This project is located at 73 Riverside Avenue, Village of Amityville, Suffolk County, Amityville Creek.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0164.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or June 11, 2021.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2021-0193

Date of Issuance – May 12, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-0193, the applicant proposes to reconstruct/modify a recreational dock facility. In place repair of fixed dock and installation of a 3' x 12' gangway to a 6' x 20' floating dock chocked at 18" from bottom. The project location is 529 Noyack Road, Town of Southampton, Suffolk County, North Sea Harbor.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/F-2021-0193_Healey_app

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or June 11, 2021.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2021-0204

Date of Issuance – May 12, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-0204 the applicant, New York State Office of General Services, is proposing to dredge approximately 300 cubic yards of material from an area of approximately 0.11 acres at the mouth of the outlet channel. This dredging will occur to a maximum depth of +242.5 feet, IGLD85. Up to an additional 510 cubic yards may be removed or disturbed within the overdredge allowance, therefore the total maximum project dredge volume is estimated at up to 810 cubic yards. Dredged material will be placed within a 1.36-acre nearshore placement area east of the outlet channel mouth. This project is located at the mouth of Long Pond Outlet, Town of Greece, Monroe County, Long Pond Outlet and Lake Ontario.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0204.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Braddock Bay and Salmon Creek Significant Fish and Wildlife Habitat:

https://www.dos.ny.gov/opd/programs/consistency/Habitats/GreatLakes/Braddock_Bay_Salmon_Creek.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or June 11, 2021.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2021-0266

Date of Issuance – May 12, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of

the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-0266, the New York City Department of Parks and Recreation is proposing to construct a public, interpretive boardwalk and outdoor classroom supported by timber piles. There will be an asphalt walkway installed above the spring high tide line with a concrete pad to transition to the interpretive boardwalk. At the end of the boardwalk is an outdoor classroom, a hexagonal shaped structure at the low tide marsh areas used for educational purposes. The walkways and outdoor classroom will be ADA accessible. The project location is at Sunset Cove Park, Cross Bay Boulevard, Broad Channel, Queens County, Jamaica Bay.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/F-2021-0266_NYC_Parks_Sunset_Cove_app

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

New York City Local Waterfront Revitalization Program: <https://docs.dos.ny.gov/opd-lwrp/LWRP/New%20York%20City/IndexAmd2.html>

Jamaica Bay Significant Coastal Fish and Wildlife Habitat: https://www.dos.ny.gov/opd/programs/consistency/Habitats/nyc/Jamaica_Bay.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or June 11, 2021.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2021-0280

Date of Issuance – May 12, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-0280, Rockland County Highway Department proposes the bridge replacement of an existing bridge that currently carries Grassy Point Road/ Beach Road (CR 108) over the Minisceongo Creek in Haverstraw, NY 10927. The replacement will consist of a single span structure capable of carrying all legal loads. The proposed bridge abutments will be supported on piles. The new bridge will be constructed adjacent to the existing structure in order to maintain traffic until the new bridge is complete; at which time the approaches will be realigned, and the existing bridge will be removed.

The applicant's consistency certification and supporting informa-

tion are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0280Minisceongocreek.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or June 11, 2021.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0207 Matter of Blue Line 9 Inc., Angel Aponte, 1330 Washington Avenue, Bayshore, NY 11706, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 10 Belgrave Avenue, Bayshore, Town of Islip, NY 11706, County of Suffolk, State of New York.

2021-0208 Matter of Integrity Expediting, Mitch Brendle, 1717 N. Ocean Ave. Suite F, Medford, NY 11763, for a variance concerning safety requirements, including the minimum distance for a stairway landing. Involved is an existing one-family dwelling located at 91 Traction Blvd., Patchogue, Town of Brookhaven, NY 11772, County of Suffolk, State of New York.

2021-0214 Matter of Frank Petruso Architect P.C., Frank Petruso, 107 Northern Blvd., Suite 411, Great Neck, NY 11021, for a variance concerning safety requirements, including the ceiling height. Involved is an existing one-family dwelling located at 12 Rugby Road, Manhasset, Town of North Hempstead, NY 11030 County of Nassau, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0215 Matter of Giovan Dipiazza, 333 Magnolia Drive, Selden, NY 11784, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 333 Magnolia Drive, Selden, Town of Brookhaven, NY 11784, County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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wise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0222 In the matter of Jordan Sonuston of C.S.P. Management, 407 West Seneca Street, Ithaca, NY, 14850, for a variance for diminutive code issues concerning handrail and guardrail height at 112 North Plain Street, City of Ithaca, Tompkins County, State of New York.

EXECUTIVE ORDERS

Executive Order No. 202.102: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

Secretary to the Governor

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, do hereby continue the suspensions and modifications of law, unless superseded, modified or otherwise expired, made by Executive Order 202 and each successor Executive Order to 202, for thirty days until May, 19, 2021.

IN ADDITION, by virtue of the authority vested in me by Chapter 71 of the Laws of 2021 to modify or extend any directive issued during this disaster emergency necessary to cope with such disaster, I do hereby modify and extend the following directive consistent with Chapter 71 of the Laws of 2021 for the period from the date of this Executive Order through May 19, 2021:

- The directive contained in Executive Order 202.94, as extended and modified, that required businesses licensed by the State Liquor Authority for on-premises service of alcoholic beverages to cease all on premises service and consumption of food and beverages (including alcoholic beverages), inside or outside, at or before 11:00PM, provided all Department of Health guidance is adhered to, is further modified and extended only insofar as to provide that food and beverage establishments cease all on premises service and consumption of food and beverages (including alcoholic beverages), inside or outside, at or before 12:00AM, effective April 19, 2021.

IN ADDITION, the following directive is no longer in effect:

- The directive contained in Executive Order 202.88 that required any healthcare facility, provider, or entity who has been allocated and has received COVID-19 vaccine, or who has received redistributed COVID-19 vaccine, must administer all such vaccine within one week of its receipt by such facility and provided that failure to administer vaccine in accordance with this process may result in a civil penalty of up to \$100,000, and/or reduction or elimination of future allocations of vaccine.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this 19th day of April the year two thousand twenty-one.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Melissa DeRosa

COURT NOTICES

AMENDMENT OF RULE Rules of Professional Conduct

The Judicial Departments of the Appellate Division of the New York State Supreme Court, pursuant to the authority vested in them, do hereby amend Part 1200, Rule 1.15 (Rules of Professional Conduct) and Part 1300 of Title 22 of the Official Compilation of the Codes, Rules, and Regulations of the State of New York, as follows, effective April 1, 2021.

Rule 1.15: Preserving identity of funds and property of others; fiduciary responsibility; commingling and misappropriation of client funds or property; maintenance of bank accounts; record keeping; examination of records.

(a) Prohibition Against Commingling and Misappropriation of Client Funds or Property.

A lawyer in possession of any funds or other property belonging to another person, where such possession is incident to his or her practice of law, is a fiduciary, and must not misappropriate such funds or property or commingle such funds or property with his or her own.

(b) Separate Accounts.

(1) A lawyer who is in possession of funds belonging to another person incident to the lawyer's practice of law shall maintain such funds in a banking institution within New York State that agrees to provide dishonored check *and overdraft* reports in accordance with the provisions of 22 N.Y.C.R.R. Part 1300. "Banking institution" means a state or national bank, trust company, savings bank, savings and loan association or credit union. Such funds shall be maintained, in the lawyer's own name, or in the name of a firm of lawyers of which the lawyer is a member, or in the name of the lawyer or firm of lawyers by whom the lawyer is employed, in a special account or accounts, separate from any business or personal accounts of the lawyer or lawyer's firm, and separate from any accounts that the lawyer may maintain as executor, guardian, trustee or receiver, or in any other fiduciary capacity; into such special account or accounts all funds held in escrow or otherwise entrusted to the lawyer or firm shall be deposited; provided, however, that such funds may be maintained in a banking institution located outside New York State if such banking institution complies with 22 N.Y.C.R.R. Part 1300 and the lawyer has obtained the prior written approval of the person to whom such funds belong specifying the name and address of the office or branch of the banking institution where such funds are to be maintained. *No special account or trust account aforementioned may have overdraft protection.*

Part 1300. Dishonored Check and Overdraft Reporting Rules for Attorney Special, Trust and Escrow Accounts

Section 1300.1

Dishonored *and overdraft* check reports.

(a) Special bank accounts required by rule 1.15 of the Rules of Professional Conduct (22 NYCRR 1200.0) shall be maintained only in banking institutions which have agreed to provide dishonored check *and overdraft* reports in accordance with the provisions of this section.

(b) An agreement to provide dishonored check *and overdraft* reports shall be filed with the Lawyers' Fund for Client Protection, which shall maintain a central registry of all banking institutions which have been approved in accordance with this section, and the current status of each such agreement. The agreement shall apply to all branches of

each banking institution that provides special bank accounts for attorneys engaged in the practice of law in this State, and shall not be cancelled by a banking institution except on 30 days' prior written notice to the Lawyers' Fund for Client Protection.

(c) A dishonored check *and overdraft* report by a banking institution shall be required whenever a properly payable instrument is presented against an attorney special, trust or escrow account which contains insufficient available funds, *irrespective of whether the instrument is honored* [and the banking institution dishonors the instrument for that reason]. A properly payable instrument means an instrument which, if presented in the normal course of business, is in a form requiring payment under the laws of the State of New York.

(d) A dishonored check *and overdraft* report shall be substantially in the form of the notice of dishonor which the banking institution customarily forwards to its customer, and may include a photocopy or a computer-generated duplicate of such notice. *In the case of an instrument that is presented against insufficient funds, the report shall identify the financial institution, the lawyer or law firm, the account number, the date of presentation for payment, and the date paid, as well as the amount of overdraft created thereby.*

(e) Dishonored check *and overdraft* reports shall be mailed to the Lawyers' Fund for Client Protection, 119 Washington Avenue, Albany, NY 12210, within five banking days after the date of presentment against insufficient available funds.

(f) The Lawyers' Fund for Client Protection shall hold each dishonored check *and overdraft* report for 10 business days to enable the banking institution to withdraw a report provided by inadvertence or mistake; except that the curing of an insufficiency of available funds by a lawyer or law firm by the deposit of additional funds shall not constitute reason for withdrawing a dishonored check *and overdraft* report.

(g) After holding the dishonored check *and overdraft* report for 10 business days, the Lawyers' Fund for Client Protection shall forward it to the attorney disciplinary committee for the judicial department or district having jurisdiction over the account holder, as indicated by the law office or other address on the report, for such inquiry and action that attorney disciplinary committee deems appropriate.

(h) Every lawyer admitted to the Bar of the State of New York shall be deemed to have consented to the dishonored check *and overdraft* reporting requirements of this section. Lawyers and law firms shall promptly notify their banking institutions of existing or new attorney special, trust, or escrow accounts for the purpose of facilitating the implementation and administration of the provisions of this section.

AMENDMENT OF RULE

Rules for Attorney Disciplinary Matters

The Judicial Departments of the Appellate Division of the New York State Supreme Court, pursuant to the authority vested in them, do hereby amend Part 1240, Rules for Attorney Disciplinary Matters, of Title 22 of the Official Compilation of the Codes, Rules, and Regulations of the State of New York, as follows, effective April 8, 2021.

§ 1240.18 Confidentiality

(f) Notwithstanding the foregoing provisions of this section, a duly constituted disciplinary authority of a federal court located within the

State may request expedited disclosure of records or documents that are confidential pursuant to Judiciary Law § 90(10) for use in an investigation or proceeding pending before the federal court. The request shall be made in writing and submitted to the Presiding Justice of the Department having jurisdiction over such confidential records or documents. The request should, to the extent practicable, identify the nature of the pending investigation or proceeding and the specific records or documents sought. The request may also seek deferral of notice of the request for so long as the matter is in the investigative stage before the federal court. Upon receipt of the request, the Presiding Justice may take any appropriate action and may refer the request to a panel of Justices of the Appellate Division for expedited consideration. Confidential records and documents disclosed to the federal disciplinary authority in response to the request shall not be used for any purpose other than the investigation or proceeding pending before the federal court.